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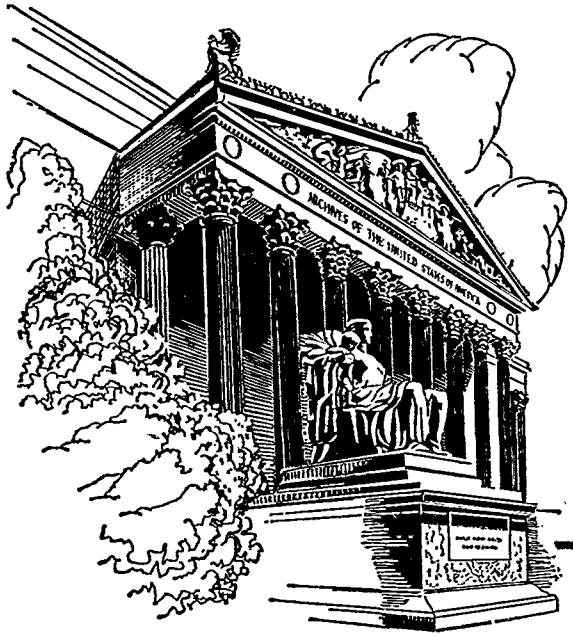

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Confidential Assistant to the Assistant to the Secretary (Public Affairs) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(26) One Confidential Assistant to the Assistant to the Secretary (Public Affairs).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66–12463; Filed, Nov. 16, 1966; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 316a—RESIDENCE, PHYSICAL, PRESENCE AND ABSENCE

Paragraph (c) of § 316a.21 *Application for benefits with respect to absences; appeal* is amended to read as follows:

§ 316a.21 Application for benefits with respect to absences; appeal.

* * * * *

(c) The applicant shall be notified of the approval of the application on Form N–472 and, if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST U.S. CITIZENSHIP BY MARRIAGE

The words "averment 15" in the third sentence of § 324.11 *Former citizen at birth or by naturalization* are amended to read "averment 13."

PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST U.S. CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

The words "averment 15 a Form N–405" in the third sentence of § 327.1 *Petition* is amended to read: "averment 13 of Form N–405."

PART 332a—OFFICIAL FORMS

Paragraph (e) of § 332a.13 *Alteration of forms of petitions or applications for naturalization* is amended and a new paragraph (i) is added to read as follows:

§ 332a.13 Alteration of forms of petitions or applications for naturalization.

* * * * *

(e) *Supplemental affidavits filed with petition for naturalization.* Whenever a supplemental affidavit is filed with the petition, by inserting in allegation (19) on Form N–405 the form number thereof.

* * * * *

(i) *Benefits of section 328(d) or 330 (a), Immigration and Nationality Act claimed.* Whenever residence and physical presence benefits are claimed, by inserting an allegation (14): I claim the benefits of section 328(d) (or 330(a)), Immigration and Nationality Act.

PART 499—NATIONALITY FORMS

The following form and description thereto is added in numerical sequence to the list of forms in § 499.1 *Prescribed forms:*

Form No.	Title and description
N–472	Approval of application to preserve residence for naturalization purposes.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: November 10, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66–12449; Filed, Nov. 16, 1966; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Export-Import Bank Portfolio Fund Participation Certificates

§ 1.176 Export-import bank portfolio fund participation certificates.

(a) *Request.* The Comptroller of the Currency has been requested to rule that participation certificates in Export-Import Bank of Washington Portfolio Funds are public securities eligible for purchase, dealing in, and unlimited holding by national banks pursuant to paragraph seven of 12 U.S.C. 24.

(b) *Opinion.* (1) The Export-Import Bank is authorized by law to issue participation certificates representing interests in Portfolio Funds, each fund consisting of a pool of maturities falling due over a number of years. The certificates carry the unconditional guaranty of the Export-Import Bank as to payments of principal and interest.

(2) In an opinion of September 30, 1966, addressed to the Secretary of the Treasury, the Attorney General of the United States ruled that guaranties contained in Export-Import Bank's participation certificates are valid general obligations of the United States.

(c) *Ruling.* It is accordingly our conclusion that participation certificates in Export-Import Bank of Washington Portfolio Funds are public securities as defined in § 1.3(c) of the Investment Securities Regulation (12 CFR 1.3(c)) issued pursuant to paragraph seven of 12 U.S.C. 24 and are, therefore, eligible for purchase, dealing in, and unlimited holding by national banks.

Dated: November 14, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66–12453; Filed, Nov. 16, 1966; 8:48 a.m.]

PART 7—INTERPRETATIONS

National Banks; Purchase Without Limitations of Participation Certificates Issued and Guaranteed by the Export-Import Bank of Washington

Part 7, Chapter I, Title 12 is hereby amended by rescinding § 7.4, which has been superseded by § 1.176 of Part 1 of this chapter.

Dated: November 14, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-12454; Filed, Nov. 16, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-WE-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grant County, Wash., control zone by amending its description.

In the original designation of the control zone which was published in the FEDERAL REGISTER (31 F.R. 10024) on July 23, 1966, and became effective on September 15, 1966, the coordinates of the Moses Lake RBN were erroneously issued as latitude 47°16'57" N., longitude 119°16'23" W. These coordinates should read latitude 47°06'57" N., longitude 119°16'23" W.

Since the change effected by this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists to make this amendment effective immediately upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 71.171 (31 F.R. 2065) is amended effective immediately by deleting "* * * (latitude 47°16'57" N., longitude 119°16'23" W.), * * *" in the description of the Grant County, Wash., control zone contained in 31 F.R. 10024 and substituting "* * * (latitude 47°06'57" N., longitude 119°16'23" W.), * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on November 7, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-12428; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone at the Detroit City Airport, Detroit, Mich.

The Detroit City Airport, Detroit, Mich., control zone is presently designated as follows:

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83° 00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport, Runway 15; within 2 miles each side of the Windsor, Ontario, Canada RR NW course, extending from the 5-mile radius zone to the United States/Canadian Border, and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian Border.

On November 24, 1966, the Canadian Department of Transportation will convert the Windsor, Ontario, Canada low frequency radio range to a nondirectional radio beacon. Concurrent with this conversion, the low frequency range approach procedure to Detroit City Airport that is predicated on this facility will be canceled. The present control zone airspace dimensions will remain the same in order to protect the VOR approach procedure to Detroit City Airport that is predicated on the Windsor, Ontario, Canada VOR. However, that portion of the control zone description which refers to the Windsor, Ontario, Canada low frequency radio range must be and is herein deleted.

Since the change to the control zone is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 24, 1966, as follows:

In § 71.171 (31 F.R. 2065), the Detroit City Airport, Detroit, Mich., control zone is amended to read:

DETROIT, MICH.

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 31, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-12429; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Clovis, N. Mex., control zone and transition area which includes reference to the Cannon AFB VOR. This controlled airspace is based, in part, on the existing Cannon VOR which the U.S. Air Force has tentatively scheduled for decommissioning on or about January 1, 1967. As this airspace is still required to provide protection for aircraft executing prescribed instrument procedures, action is taken herein to redescribe those portions of the Clovis, N. Mex., control zone and transition area by substituting the geographical coordinates of the Cannon VOR site; i.e., latitude 34°22'37" N., longitude 103°18'59" W., in lieu of reference to the Cannon (AFB) VOR, and substituting bearings from these geographical coordinates in lieu of VOR radials. Since this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (31 F.R. 2079) the Clovis, N. Mex., control zone is amended as follows:

CLOVIS, N. MEX.

Within a 6-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 219° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN; within 2 miles each side of a 227° bearing from latitude 34°22'37" N., longitude 103°18'59" W., extending from the 6-mile radius zone to 12 miles SW of latitude 34°22'37" N., longitude 103°18'59" W.; within 2 miles each side of the Cannon TACAN 232° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN, and within 2 miles each side of a 242° bearing from latitude 34°22'37" N., longitude 103°18'59" W., extending from the 6-mile radius zone to 8 miles SW of latitude 34°22'37" N., longitude 103°18'59" W.

In § 71.181 (31 F.R. 2172) the Clovis, N. Mex., transition area is amended as follows:

CLOVIS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, within 2 miles each side of the 225° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; within a 5-mile radius of the Clovis, N. Mex., Municipal Airport (latitude 34°25'00" N., longitude 103°05'00" W.); within 2 miles each side of the Texico, Tex., VOR 255° radial extending from the 5-mile radius area to the Texico VOR; within 2 miles each side of the 057° bearing from the Clovis, N. Mex., RBN (latitude 34°27'30" N., longitude 103°01'30" W.) extending from the 5-mile radius area to 8 miles NE of the Clovis RBN; within 2 miles each side of the extended center line of the Clovis Municipal Airport NE-SW runway, extending from the 5-mile radius area to 7 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from a 051° bearing to a 190° bearing from latitude 34°22'37" N., longitude

103°18'59" W.; within a 37-mile radius of Cannon AFB, extending clockwise from a 190° bearing to a 226° bearing from latitude 34°22'37" N., longitude 103°18'59" W., thence via a line to latitude 34°01'10" N., longitude 104°04'00" W., thence to latitude 34°09'55" N., longitude 104°03'40" W., thence to latitude 34°10'00" N., longitude 103°55'00" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of a 084° bearing from latitude 34°22'37" N., longitude 103°18'59" W. extending from the 30-mile radius area to 51 miles E of latitude 34°22'37" N., longitude 103°18'59" W.; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34°32'30" N., longitude 103°55'00" W., thence to latitude 34°28'30" N., longitude 104°05'15" W., thence to latitude 34°38'00" N., longitude 104°10'30" W., thence to latitude 34°46'40" N., longitude 104°05'25" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning. The portions of this transition area within R-5104 and R-5105 shall be used only after obtaining prior approval from the appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on November 4, 1966.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-12430; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On August 11, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10695) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter a segment of VOR Federal airway No. 485.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.123 (31 F.R. 2009) V-485 is amended by deleting "INT of Priest 331° and Oakland, Calif., 131° radials; to Oakland." and substituting "12 AGL INT of Priest 325° and San Jose, Calif., 137° radials; 12 AGL San Jose." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12431; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway and Reporting Point

On August 19, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11036) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a colored airway from Anchorage, Alaska, to Bethel, Alaska, and designate a low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

1. Section 71.101 (31 F.R. 2006) is amended by adding:

G-9 From Bethel, Alaska, RBN (Ident BET) via Sparrevohn, Alaska, RBN; INT Sparrevohn RBN 093° and Anchorage, Alaska, RR 266° bearings; to Anchorage RR.

2. Section 71.211 (31 F.R. 2289) is amended by adding:

Sparrevohn, Alaska, RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 9, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12432; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11724) stating that the Federal Aviation Agency proposed to designate controlled airspace at Webster City, Iowa.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the following transition area is added:

WEBSTER CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.), and within 2 miles each side of the 151° bearing from Webster City Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 151° bearing from Webster City Airport extending from the airport to 12 miles SE, excluding the portion which overlies the Fort Dodge, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 1, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-12433; Filed, Nov. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Jet Route and Associated Controlled Airspace

On July 28, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10199) stating that the Federal Aviation Agency was considering revocation of Jet Route No. 19 between Oakland, Calif., and Seattle, Wash., and revocation of its associated offshore controlled airspace.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No objections to the proposal were received.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

1. In § 71.161 (31 F.R. 2049) "Jet Route No. 19 from Fortuna, Calif., to Hoquiam, Wash." is deleted.

2. In § 75.100 (31 F.R. 2346) Jet Route No. 19 is deleted.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on November 9, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12434; Filed, Nov. 16, 1966; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-476]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Prohibition of Shipments Except in Accordance With Provisions of Tariffs of Direct Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November 1966.

The Board by publication in 31 F.R. 12060 and by circulation of a notice of proposed rule making EDR-104, dated September 9, 1966, Docket 17700, gave notice that it had under consideration amendments to Part 296 of the Economic Regulations to prohibit interstate indirect air carriers from shipping property except in accordance with the rates, charges and other provisions of the tariffs of the direct air carriers.

Interested persons were afforded an opportunity to participate in the making of this rule. No comments in opposition to the proposed rule were received.[1] Therefore, the Board will now make final the rule as proposed.

In consideration of the foregoing, the Board hereby amends Part 296 of its Economic Regulations (14 CFR Part 296) effective December 17, 1966 as set forth below:

1. Amend the table of contents by adding a new § 296.46a as follows:

Sec.
296.46a Prohibition on operations unless tariffs are observed.

2. Add new § 296.46a to read as follows:

§ 296.46a Prohibition on operations unless tariffs are observed.

No indirect air carrier as defined in this part shall ship property in the capacity of an air freight forwarder or a cooperative shippers association in interstate air transportation except in accordance with the rates and charges and all applicable rules, regulations and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such indirect air carrier shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service or facility except those specified in the currently effective tariffs of such direct air carrier.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 403, 404, 407, 411, and 416; 72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 72 Stat. 760, 49 U.S.C. 1374; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381; 72 Stat. 771, 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-12457; Filed, Nov. 16, 1966; 8:47 a.m.]

[1] Delta Air Lines, Inc., which filed the only comment, supports the proposed amendments.

[Reg. ER-477]

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

Prohibition of Shipments Except in Accordance With Provisions of Tariffs of Direct Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November 1966.

The Board by publication in 31 F.R. 12060 and by circulation of a notice of proposed rule making EDR-104, dated September 9, 1966, Docket 17700, gave notice that it had under consideration amendments to Part 297 of the Economic Regulations to prohibit international (U.S.) air freight forwarders from shipping property in overseas or foreign air transporation except in accordance with the applicable provisions of the tariffs of the direct air carriers.

Interested persons were afforded an opportunity to participate in the making of this rule and no comments in opposition to the proposed rule were received.[1] Therefore, the Board will now make final the rule as proposed.

In consideration of the foregoing, the Board hereby amends Part 297 of its Economic Regulations (14 CFR Part 297) effective December 17, 1966, as set forth below:

1. Amend the title of the part to read as set forth above.

2. Amend § 297.39 to read as follows:

§ 297.39 Prohibition on operations unless tariffs are observed.

No holder of an operating authorization issued pursant to this part shall ship property in the capacity of an international air freight forwarder in overseas or foreign air transportation except in accordance with the rates and charges and all applicable rules, regulations, and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such forwarder shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such direct air carrier.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 403, 404, 407, 411, and 416; 72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 72 Stat. 760, 49 U.S.C. 1374; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381; 72 Stat. 771, 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

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Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6900]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Charitable, etc., Contributions and Gifts

On November 10, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 170, 381, 545, and 556 of the Internal Revenue Code of 1954 to conform the regulations to changes made by subsections (a), (c), (d), and (e) of section 209 of the Revenue Act of 1964 (78 Stat. 43), and for certain other purposes, was published in the FEDERAL REGISTER (30 F.R. 14158). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Section 1.170-2, as set forth in paragraph (2) of the notice of proposed rule making, is changed by revising paragraph (b) (1) and (5) (iii) (*c*), and the portion of paragraph (g) (2) which precedes example (1) thereof and by adding a new subdivision (iii) to paragraph (g) (6).

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 14, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 170, 381, 545, and 556 of the Internal Revenue Code of 1954 to subsections (a), (c), (d), and (e) of section 209 of the Revenue Act of 1964 (78 Stat. 43), and for certain other purposes, such regulations are amended as follows:

PARAGRAPH 1. Paragraphs (a) (1), (b), and (d) of § 1.170-1 are amended to read as follows:

§ 1.170–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *In general*—(1) *General rule.* Any charitable contribution (as defined in section 170(c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, regardless of the method of accounting employed or when pledged. In addition, contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year (see § 1.170–3), and subject to the provisions of section 170(b)(5) and paragraph (g) of § 1.170–2, certain excess charitable contributions made by individuals in taxable years beginning after December 31, 1963, shall be treated as paid in certain succeeding taxable years. The deduction is subject to the limitations of section 170(b) (see §§ 1.170–2 and 1.170–3) and is subject to verification by the district director. For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 170(d) as paid for the use of an organization described in section 170(c)(2), (3), or (4), see paragraph (f) of § 1.170–2. For a special rule relating to the computation of the amount of the deduction with respect to a contribution of section 1245 or section 1250 property, see section 170(e).

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(b) *Time of making contribution.* Ordinarily a contribution is made at the time delivery is effected. In the case of a check, the unconditional delivery (or mailing) of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery (or mailing). If a taxpayer unconditionally delivers (or mails) a properly endorsed stock certificate to a charitable donee or the donee's agent, the gift is completed on the date of delivery (or mailing, provided that such certificate is received in the ordinary course of the mails). If the donor delivers the certificate to his bank or broker as the donor's agent, or to the issuing corporation or its agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation. For rules relating to a contribution consisting of a future interest in tangible personal property, see paragraph (d)(2) of this section.

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(d) *Transfers of income and future interests*—(1) *In general.* A deduction may be allowed for a contribution of an interest in the income from property or an interest in the remainder (but see subparagraph (2) of this paragraph for rules relating to transfers, after December 31, 1963, of future interests in tangible personal property). The income or remainder interest shall be valued according to the tables referred to in paragraph (d) of § 1.170–2. For rules with respect to certain transfers to a trust, see paragraph (d) of § 1.170–2.

(2) *Future interests in tangible personal property.* (i) Except as otherwise provided in subdivision (iii) of this subparagraph, a contribution consisting of a transfer, after December 31, 1963, in a taxable year ending after such date, of a future interest in tangible personal property shall be treated as made only when—

(*a*) All intervening interests in, and rights to the actual possession or enjoyment of, the property have expired, or

(*b*) Are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b) and the regulations thereunder (relating to losses, expenses, and interest with respect to transactions between related taxpayers).

Section 170(f) and this subparagraph have no application in respect of a transfer of an undivided present interest in property. For example, a contribution of an undivided one-quarter interest in a painting with respect to which the donee is entitled to possession during three months of each year shall be treated as made upon the receipt by the donee of a formally executed and acknowledged deed of gift. Section 170(f) and this subparagraph have no application in respect of a transfer of a future interest in intangible personal property or in real property. However, a fixture which is intended to be severed from real property shall be treated as tangible personal property. For example, a contribution of a future interest in a chandelier which is attached to a building is considered a contribution which consists of a future interest in tangible personal property if the transferor intends that it be detached from the building at or prior to the time when the charitable organization's right to possession or enjoyment of the chandelier is to commence. For purposes of section 170(f) and this subparagraph, the term "future interest" has generally the same meaning as it has when used in section 2503, relating to taxable gifts, see § 25.2503–3 of Part 25 of this chapter (Gift Tax Regulations), and such term includes reversions, remainders, and other interests or estates, whether vested or contingent, and whether or not supported by a particular interest or estate, which are limited to commence in use, possession or enjoyment at some future date or time. The term "future interest" includes situations in which a donor purports to give tangible personal property to a charitable organization, but has an understanding, arrangement, agreement, etc. (whether written or oral) with the charitable organization which has the effect of reserving to, or retaining in, such donor a right to the use, possession, or enjoyment of the property.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). On December 31, 1964, A, an individual who reports his income on the calendar year basis, conveys by deed of gift to a museum title to a painting, but reserves to himself the right to the use, possession, and enjoyment of the painting during his lifetime. At the time of the gift the value of the painting is $90,000. Since the contribution consists of a future interest in tangible personal property in which the donor has retained an intervening interest, no contribution is considered as having been made in 1964.

Example (2). Assume the same facts as in example (1) except that on December 31, 1965, A relinquishes all of his right to the use, possession, and enjoyment of the painting and delivers the painting to the museum. Assuming that the value of the painting has increased to $95,000, A is treated as having made a charitable contribution of $95,000 in 1965.

Example (3). Assume the same facts as example (1) except A dies without relinquishing his right to the use, possession, and enjoyment of the painting. Since A did not relinquish his right to the use, possession, and enjoyment of the property during his life, A is treated as not having made a charitable contribution of the painting for income tax purposes.

Example (4). Assume the same facts as in example (1) except A, on December 31, 1965, transfers his interest in the painting to his son, B. Since the relationship between A and B is one described in section 267(b), no contribution of the remainder interest in the painting is considered as having been made in 1965.

Example (5). Assume the same facts as in example (4). Also assume that on December 31, 1966, B conveys the interest measured by A's life to the museum. B has made a charitable contribution of the present interest in the painting conveyed to the museum (i.e., the life interest measured by A's life expectancy in 1966 valued according to paragraph (f), Table 1, of § 20.2031–7 of Part 20 of this chapter (Estate Tax Regulations). In addition, since all intervening interests in, and rights to the actual possession or enjoyment of the property, have expired, a charitable contribution of the remainder interest is treated as having been made by A in 1966. Such remainder interest shall also be valued according to paragraph (f), Table 1, of § 20.2031–7 of Part 20 of this chapter (Estate Tax Regulations).

(iii) Section 209(f)(3) of the Revenue Act of 1964 (78 Stat. 47) provides an exception to the rule set forth in section 170(f). Pursuant to the exception, section 170(f) and subdivision (i) of this subparagraph shall not apply in the case of a transfer of a future interest in tangible personal property made after December 31, 1963, and before July 1, 1964, where—

(*a*) The sole intervening interest or right is a nontransferable life interest reserved by the donor, or

(*b*) In the case of a joint gift by husband and wife, the sole intervening interest or right is a nontransferable life interest reserved by the donors which expires not later than the death of whichever of such donors dies later.

For purposes of the preceding sentence, the right to make a transfer of the reserved life interest to the donee of the future interest shall not be treated as making a life interest transferable.

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PAR. 2. Section 1.170–2 is amended by revising paragraph (b)(1), by redesignating paragraph (b)(5) as paragraph (b)(6), by adding a subparagraph (5) to paragraph (b), and by adding a paragraph (g) at the end of such section. These revised, redesignated, and added provisions read as follows:

§ 1.170–2 Charitable deductions by individuals; limitations.

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(b) *Additional 10-percent deduction*—(1) *In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct charitable contributions made during the taxable year to the organizations specified in section 170(b)(1)(A) to the extent that such contributions in the aggregate do not exceed 10 percent of his adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). The additional 10-percent deduction may be allowed with respect to contributions to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2) and defined in subparagraph (3)(i) of this paragraph,

(iii) A hospital referred to in section 503(b)(5) and defined in subparagraph (4)(i) of this paragraph,

(iv) Subject to certain conditions and limitations set forth in subparagraph (4)(ii) of this paragraph, and for taxable years beginning after December 31, 1955, a medical research organization referred to in section 503(b)(5),

(v) Subject to certain limitations and conditions set forth in subparagraph (3)(ii) of this paragraph, and for taxable years beginning after December 31, 1960, an organization referred to in section 503(b)(3) which is organized and operated for the benefit of certain State and municipal colleges and universities,

(vi) For taxable years beginning after December 31, 1963, a governmental unit referred to in section 170(c)(1), and

(vii) Subject to certain limitations and conditions set forth in subparagraph (5) of this paragraph, and for taxable years beginning after December 31, 1963, an organization referred to in section 170(c)(2).

To qualify for the additional 10-percent deduction the contributions must be made "to", and not merely "for the use of", one of the specified organizations. A contribution to an organization referred to in section 170(c)(2) (other than an organization specified in subdivisions (i) through (vi) of this subparagraph) which, for taxable years beginning after December 31, 1963, is not "publicly supported" under the rules of subparagraph (5) of this paragraph will not qualify for the additional 10-percent deduction even though such organization makes the contribution available to an organization which is specified in section 170(b)(1)(A). The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20-percent limitation. Where the total contributions exceed the 20-percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10-percent limitation, and any excess over the 10-percent limitation should then be added to all other contributions and limited by the 20-percent limitation. For provisions relating to a carryover of certain charitable contributions made by individuals, see paragraph (g) of this section.

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(5) *Corporation, trust, or community chest, fund, or foundation*—(i) *In general.* (*a*) For taxable years beginning after December 31, 1963, gifts made to a corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2) (other than an organization specified in subparagraph (1)(i) through (vi) of this paragraph), may be taken into account in computing the additional 10-percent limitation, provided the organization is a "publicly supported" organization. For purposes of this subparagraph, an organization is "publicly supported" if it normally receives a substantial part of its support from a governmental unit referred to in section 170(c)(1) or from direct or indirect contributions from the general public.

(*b*) An important factor in determining whether an organization normally receives a substantial part of its support from "direct or indirect contributions from the general public" is the extent to which the organization derives its support from or through voluntary contributions made by persons representing the general public. Except in unusual situations (particularly in the case of newly created organizations), an organization is not "publicly supported" if it receives contributions only from the members of a single family or from a few individuals.

(ii) *Special rules and meaning of terms.* (*a*) For purposes of this subparagraph, the term "support", except as otherwise provided in (*b*) of this subdivision (ii), means all forms of support including (but not limited to) contributions received by the organization, investment income (such as, interest, rents, royalties, and dividends), and net income from unrelated business activities whether or not such activities are carried on regularly as a trade or business.

(*b*) The term "support" does not include—

(*1*) Any amounts received from the exercise or performance by an organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). In general, such amounts include amounts received from any activity the conduct of which is substantially related to the furtherance of such purpose or function (other than through the production of income).

(*2*) Any gain upon the sale or exchange of property which would be considered under any section of the Code as gain from the sale or exchange of a capital asset.

(*3*) Contributions of services for which a deduction is not allowable.

(*c*) The term "support from a governmental unit" includes—

(*1*) Any amounts received from a governmental unit including donations or contributions and amounts received in connection with a contract entered into with a governmental unit for the performance of services or in connection with a government research grant, provided such amounts are not excluded from the term "support" under (*b*) of this subdivision (ii). For purposes of (*b*)(*1*) of this subdivision (ii), an amount paid by a governmental unit to an organization is not received from the exercise or performance of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a) if the purpose of the payment is to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public, as, for example, the maintenance of library facilities which are open to the public.

(*2*) Tax revenues levied for the benefit of the organization and either paid to or expended on behalf of the organization.

(*3*) The value of services or facilities (exclusive of services or facilities generally furnished, without charge, to the public) furnished by a governmental unit to the organization without charge, as, for example, where a city pays the salaries of personnel used to guard a museum, art gallery, etc., or provides, rent free, the use of a building. However, the term does not include the value of any exemption from Federal, State, or local tax or any similar benefit.

(*d*) The term "indirect contributions from the general public" includes contributions received by the organization from organizations which normally receive a substantial part of their support from direct contributions from the general public.

(iii) *Determination of whether organization is "publicly supported"*—(*a*) *In general.* No single test which would be appropriate in every case may be prescribed for determining whether a corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2), is "publicly supported". For example, since the statutory test is whether the organization normally receives a substantial part of its support from the prescribed sources, a test which would be appropriate in the case of an organization which has been in operation for a number of years would not necessarily be appropriate in the case of a newly established organization. The determination of whether an organization is "publicly supported" depends on the facts and circumstances in each case. Thus, although a "mechanical test" is set forth in (*b*) of this subdivision (iii), such test is not an exclusive test. Accordingly, an organization which does not qualify as a "publicly supported" organization by application of the "mechanical test" may qualify as a "publicly supported" organization on the basis of the facts and circumstances in its case. For provisions relating to the facts and circumstances test, see (*c*) of this subdivision (iii).

(*b*) *Mechanical test.* An organization will be considered to be a "publicly supported" organization for its current taxable year and the taxable year im-

mediately succeeding its current year, if, for the four taxable years immediately preceding the current taxable year, the total amount of the support which the organization receives from governmental units, from donations made directly or indirectly by the general public, or from a combination of these sources equals 33⅓ percent or more of the total support of the organization for such four taxable years. The rule in the preceding sentence does not apply if there are substantial changes in the organization's character, purposes, or methods of operation in the current year, and does not apply in respect of the immediately succeeding taxable year if such changes occur in such year. In determining whether the 33⅓-percent-of-support test is met, contributions by an individual, trust, or corporation shall be taken into account only to the extent that the total amount of the contributions by any such individual, trust, or corporation during the four-taxable-year period does not exceed 1 percent of the organization's total support for such four taxable years. In applying the 1-percent limitation, all contributions made by a donor and by any person or persons standing in a relationship to the donor which is described in section 267(b) and the regulations thereunder shall be treated as made by one person. The 1-percent limitation shall not apply to support from governmental units referred to in section 170(c)(1) or to contributions from "publicly supported" organizations. A national organization which carries out its purposes through local chapters with which it has an identity of aims and purposes may, for purposes of determining whether the organization and the local chapters meet the mechanical test, make the computation on an aggregate basis.

Example. For the years 1964 through 1967, X, an organization referred to in section 170(c)(2), received support (as defined in subdivision (ii) of this subparagraph) of $600,000 from the following sources:

Investment income	$300,000
City Y (a governmental unit referred to in section 170(c)(1))	40,000
United Fund (an organization referred to in section 170(c)(2) which is "publicly supported")	40,000
Contributions	220,000
Total support	$600,000

For the years 1964 through 1967, X received in excess of 33⅓ percent of its support from a governmental unit referred to in section 170(c)(1) and from direct and indirect contributions from the general public computed as follows:

33⅓ percent of total support	$200,000
Support from a governmental unit referred to in section 170(c)(1)	40,000
Indirect contributions from the general public (United Fund)	40,000
Contributions by various donors (no one donor having made contributions which total in excess of $6,000—1 percent of total support)	50,000
12 contributions (each in excess of $6,000—1 percent of total support) 12×$6,000	72,000
	$202,000

Since the amount of X's support from governmental units referred to in section 170(c)(1) and from direct and indirect contributions from the general public in the years 1964 through 1967 is in excess of 33⅓ percent of X's total support for such four taxable years, X is considered a "publicly supported" organization with respect to contributions made to it during 1968 and 1969 without regard to whether X receives 33⅓ percent of its support during 1968 or 1969 from such sources (assuming that there are no substantial changes in X's character, purposes, or methods of operation).

(c) *Facts and circumstances test.* (1) A corporation, trust, or community chest, fund or foundation referred to in section 170(c)(2) which does not qualify as a "publicly supported" organization under the mechanical test described in (b) of this subdivision (iii) (including an organization which has not been in existence for a sufficient length of time to make such test applicable) may be a "publicly supported" organization on the basis of the facts and circumstances in its case.

(2) The facts and circumstances which are relevant and the weight to be accorded such facts and circumstances may differ in certain cases depending, for example, on the nature of the organization and the period of time it has been in existence. However, under no circumstances will an organization which normally receives substantially all of its contributions (directly or indirectly) from the members of a single family or from a few individuals qualify as a "publicly supported" organization.

(3) For purposes of the facts and circumstances test the most important consideration is the organization's source of support. An organization will be considered a "publicly supported" organization if it is constituted so as to attract substantial support from contributions, directly or indirectly, from a representative number of persons in the community or area in which it operates. In determining what is a "representative number of persons," consideration must be given to the type of organization and whether or not the organization limits its activities to a special field which can be expected to appeal to a limited number of persons. An organization is so constituted if, for example, it establishes that it does in fact receive substantial support from contributions from a representative number of persons; that pursuant to its organizational structure and method of operation it makes bona fide solicitations for broad based public support, or, in the case of a newly created organization, that its organizational structure and method of operation are such as to require bona fide solicitations for broad based public support; that it receives substantial support from a community chest or similar public federated fund raising organization, such as a United Fund or United Appeal; or that it has a substantial number of members (in relation to the community it serves, the nature of its activities, and its total support) who pay annual membership dues.

(4) Although primary consideration will be given to the source of an organization's support, other relevant factors may be taken into account in determining whether or not the organization is of a public nature, such as:

(i) Whether the organization has a governing body (whether designated in the organization's bylaws, certificate of incorporation, deed of trust, etc., as a Board of Directors, Board of Trustees, etc.) which is comprised of public officials, of individuals chosen by public officials acting in their capacity as such, or of citizens broadly representative of the interests and views of the public. This characteristic does not exist if the membership of an organization's governing body is such as to indicate that it represents the personal or private interests of a limited number of donors to the organization (or persons standing in a relationship to such donors which is described in section 267(b) and the regulations thereunder), rather than the interests of the community or the general public.

(ii) Whether the organization annually or more frequently makes available to the public financial reports or, in the case of a newly created organization, is constituted so as to require such reporting. For this purpose an information or other return made pursuant to a requirement of a governmental unit shall not be considered a financial report. An organization shall be considered as making financial reports of its operations available to the public if it publishes a financial report in a newspaper which is widely circulated in the community in which the organization operates or if it makes a bona fide dissemination of a brochure containing a financial report.

(iii) If the organization is of a type which generally holds open to the public its buildings (as in the case of a museum) or performances conducted by it (as in the case of a symphonic orchestra), whether the organization actually follows such practice, or, in the case of a newly created organization, is so organized as to require that its facilities be open to the public.

(5) The application of this subdivision (c) may be illustrated by the following examples:

Example (1). M, a community trust, is an organization referred to in section 170(c)(2). In 1950, M was organized in the X Community by several leading trusts and financial institutions with the purpose of serving permanently the educational and charitable needs of the X Community by providing a means by which the public may establish funds or make gifts of various amounts to established funds which are administered as an aggregate fund with provision for distribution of income and, in certain cases, principal for educational or charitable purposes by a single impartial committee. The M Organization, by distribution of pamphlets to the public through participating trustee banks, actively solicits members of the X Community and other concerned parties to establish funds within the trust or to contribute to established funds within the trust. Under the declaration of trust, a contributor to a fund may suggest or request (but not require) that his contribution be used in respect of his preferred charitable, educational, or other benevolent purpose, and distributions of the income from the fund, and in certain cases the principal, will be made by the Distribu-

tion Committee with regard to such request unless changing conditions make such purpose unnecessary, undesirable, impractical, or impossible in which case income and (where the contributor has so specified) principal will be distributed by the Distribution Committee in order to promote the public welfare more effectively. Where a contributor has not expressed a desire as to a charitable, educational, or other benevolent purpose, the Distribution Committee will distribute the entire annual income from the fund to such a purpose agreed upon by such committee. The Distribution Committee is composed of representatives of the community chosen one each by the X Bar Association, the X Medical Society, the mayor of X Community, the judge of the highest X Court, and the president of the X College, and two representatives chosen by the participating trustee banks. There are a number of separate funds within the trust administered by several participating banks. M has consistently distributed or used its entire annual income for projects with purposes described in section 170(c)(2)(B) from which members of the public may benefit or to other organizations described in section 170(b)(1)(A) which so distribute or use such income. Through its participating trustee banks, M annually makes available to the public a brochure containing a financial statement of its operations including a list of all receipts and disbursements. Under the facts and circumstances, M is a "publicly supported" organization.

Example (2). Assume the same facts as in example (1) except that M has been in existence for only one year and only two contributors have established funds within the trust. The Distribution Committee has been chosen and is required by the governing declaration of trust to make annual distribution of the entire income of the trust to projects with purposes described in section 170(c)(2)(B) from which members of the public may benefit or to other organizations described in section 170(b)(1)(A) which so distribute or use such income. The declaration of trust and other governing instruments require (1) that the M Community Trust actively solicit contributions from members of the X Community through dissemination of literature and other public appeals, and (2) that it make available to the members of the X Community, annual financial reports of its operations. Under the facts and circumstances, M is a "publicly supported" organization.

Example (3). N, an art museum, is an organization referred to in section 170(c)(2). In 1930, N was founded in Y City by the members of a single family to collect, preserve, interpret, and display to the public important works of art. N is governed by a self-perpetuating Board of Trustees limited by the governing instruments to a maximum membership of 20 individuals. The original board consisted almost entirely of members of the founding family. Since 1945, members of the founding family or persons standing in a relationship to the members of such family described in section 267(b) have annually constituted less than one-fifth of the Board of Trustees. The remaining board members are citizens of Y City from a variety of professions and occupations who represent the interests and views of the people of Y City in the activities carried on by the organization rather than the personal or private interests of the founding family. N solicits contributions from the general public and for each of its four most recent taxable years has received total contributions in small sums (less than $100) in excess of $10,000. For N's four most recent taxable years, investment income from several large endowment funds has constituted 75 percent of its total support. N normally expends a substantial part of its annual income for purposes described in section 170(c)(2)(B). N has, for the entire period of its existence, been open to the public and more than 300,000 people (from the Y City and elsewhere) have visited the museum in each of its four most recent taxable years. N annually publishes a financial report of its operation in the Y City newspaper. Under the facts and circumstances, N museum is a "publicly supported" organization.

Example (4). In 1960, the O Philharmonic Orchestra was organized in Z City through the combined efforts of a local music society and a local women's club to present to the public a wide variety of musical programs intended to foster music appreciation in the community. O is an organization referred to in section 170(c)(2). The orchestra is composed of professional musicians who are paid by the association. Twelve performances, open to the public, are scheduled each year. The admission charge for each of these performances is $3. In addition, several performances are staged annually without charge. In each of its four most recent taxable years, O has received separate contributions of $10,000 from A, B, C, and D (not members of a single family) and support of $5,000 from the Z Community Chest, a public federated fund raising organization operating in Z City. O is governed by a Board of Directors comprised of five individuals. A faculty member of a local college, the president of a local music society, the head of a local banking institution, a prominent doctor, and a member of the governing body of the local Chamber of Commerce currently serve on the Board and represent the interests and views of the community in the activities carried on by O. O annually files a financial report with Z City which makes such report available for public inspection. Under the facts and circumstances, O is a "publicly supported" organization.

Example (5). P is a newly created organization of a type referred to in section 170(c)(2). P's charter requires that its governing body be selected by public officials and by public organizations representing the community in which it operates. Pursuant to P's charter, a continuing fund raising campaign which will encompass the entire community has been planned. P's charter requires that its entire annual income be distributed to or used for projects with purposes described in section 170(c)(2)(B) and that it make available to the public annual financial reports of its operations. By reason of the express provisions of P's charter relating to its organizational structure and prescribed methods of operation, P is a "publicly supported" organization.

(6) *Examples.* The application of the special 10-percent limitation and the general 20-percent limitation on contributions by individuals may be illustrated by the following examples:

Example (1). A, an individual, reports his income on the calendar year basis and for the year 1957 has an adjusted gross income of $10,000. During 1957 he made the following charitable contributions:

		Deductible contributions
1. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	$2,400	
2. Other charitable contributions	700	
3. Total contributions paid	3,100	
4. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	2,400	
5. Special limitation under section 170(b)(1)(A): 10 percent of adjusted gross income	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser		$1,000
7. Excess of line 4 over line 5	1,400	
8. Add: Other charitable contributions	700	
9. Contributions subject to the general 20-percent limitation under section 170(b)(1)(B)	2,100	
10. Limitation under section 170(b)(1)(B): 20 percent of the adjusted gross income	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser		2,000
12. Contributions not deductible	100	
13. Total deduction for contributions		3,000

Example (2). B, an individual, reports his income on the calendar year basis and for the year 1957 has an adjusted gross income of $10,000. During 1957 he made the following charitable contributions:

1. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	$700	
2. Other charitable contributions	2,400	
3. Total contributions paid	3,100	
4. Contributions qualifying for the additional 10-percent deduction under section 170(b)(1)(A)	700	
5. Limitation described in section 170(b)(1)(A): 10 percent of the adjusted gross income	1,000	
6. Deductible amount: line 4 or line 5, whichever is the lesser		$700

7. Excess of line 4 over line 5	$0	
8. Add: Other charitable contributions	2,400	
9. Contributions subject to the general 20-percent limitation under section 170(b)(1)(B)	2,400	
10. Limitation under section 170(b)(1)(B): 20 percent of the adjusted gross income	2,000	
11. Deductible amount: line 9 or line 10, whichever is the lesser		$2,000
12. Contributions not deductible	400	
13. Total deduction for contributions		2,700

* * * * * * *

(g) *Charitable contributions carryover of individuals*—(1) *Computation of excess charitable contributions made in contribution year.* Subject to certain conditions and limitations, the excess of—

(i) The amount of the charitable contributions made by an individual in a taxable year beginning after December 31, 1963 (hereinafter in this paragraph referred to as the "contribution year"), to organizations specified in section 170(b)(1)(A) (see paragraph (b) of this section), over

(ii) Thirty percent of his adjusted gross income (computed without regard to any net operating loss carryback to such year under section 172) for such contribution year,

shall be treated as a charitable contribution paid by him to an organization specified in section 170(b)(1)(A) and paragraph (b) of this section, relating to the additional 10-percent deduction, in each of the 5 taxable years immediately succeeding the contribution year in order of time. (For provisions requiring a reduction of such excess, see subparagraph (5) of this paragraph.) The provisions of this subparagraph apply even though the taxpayer elects under section 144 to take the standard deduction in the contribution year instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income for the contribution year. No excess charitable contribution carryover shall be allowed with respect to contributions "for the use of" rather than "to" organizations described in section 170(b)(1)(A) and paragraph (b) of this section or with respect to contributions made "to" or "for the use of" organizations which are not described in such sections. The provisions of section 170(b)(5) and this paragraph are not applicable in the case of estates or trusts, see section 642(c), relating to deductions for amounts paid or permanently set aside for a charitable purpose, and the regulations thereunder. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that H and W (husband and wife) have adjusted gross income for 1964 of $50,000 and for 1965 of $40,000 and file a joint return for each year. Assume further that in 1964 they contribute $16,500 to a church and $1,000 to X (an organization not referred to in section 170(b)(1)(A)) and in 1965 contribute $11,000 to the church and $400 to X. They may claim a charitable contribution deduction of $15,000 in 1964, and the excess of $16,500 (contribution to the church) over $15,000 (30 percent of adjusted gross income) or $1,500 constitutes a charitable contribution carryover which shall be treated as a charitable contribution paid by them to an organization referred to in section 170(b)(1)(A) in each of the 5 succeeding taxable years in order of time. No carryover is allowed with respect to the $1,000 contribution made to X in 1964. Since 30 percent of their adjusted gross income for 1965 ($12,000) exceeds the charitable contributions of $11,000 made by them in 1965 to organizations referred to in section 170(b)(1)(A) (computed without regard to section 170(b)(5) and this paragraph) the portion of the 1964 carryover equal to such excess of $1,000 ($12,000 minus $11,000) is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1965; the remaining $500 constitutes an unused charitable contribution carryover. No carryover is allowed with respect to the $400 contribution made to X in 1965.

Example (2). Assume the same facts as in example (1) except that H and W have adjusted gross income for 1965 of $42,000. Since 30 percent of their adjusted gross income for 1965 ($12,600) exceeds by $1,600 the charitable contribution of $11,000 made by them in 1965 to organizations referred to in section 170(b)(1)(A) (computed without regard to section 170(b)(5) and this paragraph), the full amount of the 1964 carryover of $1,500 is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1965. They may also claim a charitable contribution of $100 ($12,600—$12,500 ($11,000+$1,500)) with respect to the gift to X in 1965. No carryover is allowed with respect to the $300 ($400—$100) of the contribution to X which is not deductible in 1965.

(2) *Determination of amount treated as paid in taxable years succeeding contribution year.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the amount of the excess computed in accordance with the provisions of subparagraphs (1) and (5) of this paragraph which is to be treated as paid in any one of the 5 taxable years immediately succeeding the contribution year to an organization specified in section 170(b)(1)(A) shall not exceed the lesser of the amount computed under subdivision (i) or (ii) of this subparagraph:

(i) The amount by which (*a*) 30 percent of the taxpayer's adjusted gross income for such succeeding taxable year (computed without regard to any net operating loss carryback to such succeeding taxable year under section 172) exceeds (*b*) the sum of (*1*) the charitable contributions actually made (computed without regard to the provisions of section 170(b)(5) and this paragraph) by the taxpayer in such succeeding taxable year to organizations referred to in section 170(b)(1)(A), and (2) the charitable contributions made to organizations referred to in section 170(b)(1)(A) in taxable years (excluding any taxable year beginning before January 1, 1964) preceding the contribution year which, pursuant to the provisions of section 170(b)(5) and this paragraph, are treated as having been paid to an organization referred to in section 170(b)(1)(A) in such succeeding year.

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess charitable contribution in the contribution year, computed under subparagraphs (1) and (5) of this paragraph. In the case of the second, third, fourth, and fifth succeeding taxable years, the portion of the excess charitable contribution in the contribution year (computed under subparagraphs (1) and (5) of this paragraph) which has not been treated as paid to a section 170(b)(1)(A) organization in a year intervening between the contribution year and such succeeding taxable year.

If a taxpayer, in any one of the four taxable years succeeding a contribution year, elects under section 144 to take the standard deduction in the amount provided for in section 141 instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income, there shall be treated as paid (but not allowable as a deduction) in the standard deduction year the amount determined under subdivision (i) or (ii) of this subparagraph, whichever is the lesser. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that B has adjusted gros income for 1966 of $20,000 and for 1967 of $30,000. Assume further that in 1966 B contributed $8,000 to a church and in 1967 he contributes $7,500 to the church. B may claim a charitable contribution deduction of $6,000 in 1966, and the excess of $8,000 (contribution to the church) over $6,000 (30 percent of B's adjusted gross income) or $2,000 constitutes a charitable contribution carryover which shall be treated as a charitable contribution paid by B to an organization referred to in section 170(b)(1)(A) in the 5 taxable years succeeding 1966 in order of time. (B made no excess contributions in 1564 or 1965 which should be treated as paid in years succeeding 1964 or 1965.) B may claim a charitable contribution deduction of $9,000 in 1967. Such $9,000 consists of the $7,500 contribution to the church in 1967 and $1,500 carried over from 1966 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. The $1,500 contribution treated as paid in 1967 is computed as follows:

1966 excess contributions		$2,000
30 percent of B's adjusted gross income for 1967		9,000
Less:		
Contributions actually made in 1967 to section 170(b)(1)(A) organizations	$7,500	
Contributions made to section 170(b)(1)(A) organizations in taxable years prior to 1966 treated as having been paid in 1967	0	7,500
		1,500
Amount of 1966 excess treated as paid in 1967—the lesser of $2,000 (1966 excess contributions) or $1,500 (30 percent of adjusted gross income for 1967 ($9,000) over the section 170(b)(1)(A) contributions actually made in 1967 ($7,500) and the section 170(b)(1)(A) contributions made in years prior to 1966 treated as having been paid in 1967 (0))		1,500

If the excess contributions made by B in 1966 had been $1,000 instead of $2,000, then, for purposes of this example, the amount of the 1966 excess treated as paid in 1967 would be $1,000 rather than $1,500.

Example (2). Assume the same facts as in example (1), and, in addition, that B has adjusted gross income for 1968 of $10,000 and for 1969 of $20,000. Assume further with respect to 1968 that B elects under section 144 to take the standard deduction in computing taxable income and that his actual contributions to organizations specified in section 170(b)(1)(A) are $300. Assume further with respect to 1969, that B itemizes his deductions which include a $5,000 contribution to a church. B's deductions for 1968 are not increased by reason of the $500 available as a charitable contribution carryover from 1966 (excess contributions made in 1966 ($2,000) less the amount of such excess treated as paid in 1967 ($1,500)) since B elected to take the standard deduction in 1968. However, for purposes of determining the amount of the excess charitable contributions made in 1966 which is available as a carryover to 1969, B is required to treat such $500 as a charitable contribution paid in 1968—the lesser of $500 or $2,700 (30 percent of adjusted gross income ($3,000) over contributions actually made in 1968 to section 170(b)(1)(A) organizations ($300)). Therefore, even though the $5,000 contribution made by B in 1969 to a church does not amount to 30 percent of B's adjusted gross income for 1969 (30 percent of $20,000=$6,000), B may claim a charitable contribution deduction of only the $5,000 actually paid in 1969 since the entire excess charitable contribution made in 1966 ($2,000) has been treated as paid in 1967 ($1,500) and 1968 ($500).

Example (3). Assume the following factual situation for C who itemizes his deductions in computing taxable income for each of the years set forth in the example:

	1964	1965	1966	1967	1968
Adjusted gross income	$10,000	$7,000	$15,000	$10,000	$9,000
Contributions to section 170(b)(1)(A) organizations (no other contributions)	4,000	3,000	5,000	1,000	1,500
Allowable charitable contributions deductions computed without regard to carryover of contributions	3,000	2,100	4,500	1,000	1,500
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years	1,000	900	500	0	0

Since C's contributions in 1967 and 1968 to section 170(b)(1)(A) organizations are less than 30 percent of his adjusted gross income for such years, the excess contributions for 1964, 1965, and 1966 are treated as having been paid to section 170(b)(1)(A) organizations in 1967 and 1968 as follows:

1967

Contribution year	*Total excess*	*Less: Amount treated as paid in year prior to 1967*	*Available charitable contribution carryovers*
1964	$1,000	0	$1,000
1965	900	0	900
1966	500	0	500
			2,400
30 percent of B's adjusted gross income for 1967			3,000
Less: Charitable contributions made in 1967 to section 170(b)(1)(A) organizations			1,000
			2,000
Amount of excess contributions treated as paid in 1967—the lesser of $2,400 (available carryovers to 1967) or $2,000 (excess of 30 percent of adjusted gross income ($3,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations ($1,000))			2,000

1968

Contribution year	*Total excess*	*Less: Amount treated as paid in year prior to 1968*	*Available charitable contribution carryovers*
1964	$1,000	$1,000	0
1965	900	900	0
1966	500	100	$400
1967	0	0	0
			400
30 percent of B's adjusted gross income for 1968			2,700
Less: Charitable contributions made in 1968 to section 170(b)(1)(A) organizations			1,500
			1,200
Amount of excess contributions treated as paid in 1968—the lesser of $400 (available carryovers to 1968) or $1,200 (30 percent of adjusted gross income $2,700) over contributions actually made in 1968 to section 170(b)(1)(A) organizations ($1,500)			400

(3) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year (computed as provided in subparagraphs (1) and (5) of this paragraph) shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of contributions made to organizations referred to in section 170(b)(1)(A) shall be limited to the amount of such contributions which did not exceed 30 percent of the donor's adjusted gross income (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the contribution year.

(4) *Effect of net operating loss carryback to taxable years succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is treated as paid (as provided in subparagraph (2) of this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the deduction year which is a carryback or carryover to taxable years succeeding the deduction year, the amount of contributions made to organizations referred to in section 170(b)(1)(A) in the deduction year shall be limited to the amount of such contributions which were actually made in such year and those which were treated as paid in such year which did not exceed 30 percent of the donor's adjusted gross income (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the deduction year.

(5) *Reduction of excess contributions.* An individual having a net operating loss carryover from a prior taxable year which is available as a deduction in a contribution year must apply the special rule of section 170(b)(5)(B) and this subparagraph in computing the excess described in subparagraph (1) of this paragraph for such contribution year. In determining the amount of excess charitable contributions that shall be treated as paid in each of the 5 taxable years succeeding the contribution year, the excess charitable contributions described in such subparagraph (1) must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the portion of a net operating loss which shall be carried to taxable years succeeding the contribution year under the second sentence of section 172(b)(2)) and increases the net operating loss which is carried to a succeeding taxable year. In reducing taxable income under the second sentence of section 172(b)(2), an individual

who has made charitable contributions in the contribution year to both organizations specified in section 170(b)(1)(A) (see paragraph (b) of this section) and to organizations not so specified must first deduct contributions made to the section 170(b)(1)(A) organizations from his adjusted gross income computed without regard to his net operating loss deduction before any of the contributions made to organizations not specified in section 170(b)(1)(A) may be deducted from such adjusted gross income. Thus, if the excess of the contributions made in the contribution year to organizations specified in section 170(b)(1)(A) over the amount deductible in such contribution year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no part of the excess charitable contributions made in such contribution year shall be treated as paid in any of the 5 immediately succeeding taxable years. If only a portion of the excess charitable contributions is so used, the excess charitable contributions will be reduced only to that extent. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). B, an individual, reports his income on the calendar year basis and for the year 1964 has adjusted gross income (computed without regard to any net operating loss deduction) of $50,000. During 1964 he made charitable contributions in the amount of $20,000 all of which were to organizations specified in section 170(b)(1)(A). B has a net operating loss carryover from 1963 of $50,000. In the absence of the net operating loss deduction B would have been allowed a deduction for charitable contributions of $15,000. After the application of the net operating loss deduction, B is allowed no deduction for charitable contributions, and there is (before applying the special rule of section 170(b)(5)(B) and this subparagraph) a tentative excess charitable contribtuion of $20,000. For purposes of determining the net operating loss which remains to be carried over to 1965, B computes his taxable income for his prior taxable year, 1964, under section 172(b)(2) by deducting the $15,000 charitable contribution. After the $50,000 net operating loss carryover is applied against the $35,000 of taxable income for 1964 (computed in accordance with section 172(b)(2), assuming no deductions other than the charitable contribution deduction are applicable in making such computation), there remains a $15,000 net operating loss carryover to 1965. Since the application of the net operating loss carryover of $50,000 from 1963 reduces the 1964 adjusted gross income (for purposes of determining 1964 tax liability) to zero, no part of the $20,000 of charitable contributions in that year is deductible under section 170(b)(1). However, in determining the amount of the excess charitable contributions which shall be treated as paid in taxable years 1965, 1966, 1967, 1968, 1969, the $20,000 must be reduced by the portion thereof ($15,000) which was used to reduce taxable income for 1964 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1965 from zero to $15,000.

Example (2). Assume the same facts as in example (1), except that B's total contributions of $20,000 made during 1964 consisted of $15,000 to organizations specified in section 170(b)(1)(A) and $5,000 to organizations not so specified. Under these facts there is a tentative excess charitable contribution of $15,000, rather than $20,000 as in example (1). For purposes of determining the net operating loss which remains to be carried over to 1965, B computes his taxable income for his prior taxable year, 1964, under section 172(b)(2) by deducting the $15,000 of charitable contributions made to organizations specified in section 170(b)(1)(A). Since the excess charitable contribution of $15,000 determined in accordance with subparagraph (1) of this paragraph was used to reduce taxable income for 1964 (as computed for purposes of the second sentence of section 172(b)(2)) and thereby served to increase the net operating loss carryover to 1965 from zero to $15,000, no part of such excess charitable contributions made in the contribution year shall be treated as paid in any of the five immediately succeeding taxable years. No carryover is allowed with respect to the $5,000 of charitable contributions made in 1964 to organizations not specified in section 170(b)(1)(A).

(6) *Change in type of return filed—*(i) *From joint return to separate returns.* If a husband and wife—

(*a*) Make a joint return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of subparagraphs (1) and (5) of this paragraph, and

(*b*) Make separate returns for one or more of the 5 taxable years immediately succeeding such contribution year,

any excess charitable contribution for the contribution year which is unused at the beginning of the first such taxable year for which separate returns are filed shall be allocated between the husband and wife. For purposes of the allocation, a computation shall be made of the amount of any excess charitable contribution which each spouse would have computed in accordance with subparagraphs (1) and (5) of this paragraph if separate returns (rather than a joint return) had been filed for the contribution year. The portion of the total unused excess charitable contribution for the contribution year allocated to each spouse shall be an amount which bears the same ratio to such unused excess charitable contribution as such spouse's excess contribution (based on the separate return computation) bears to the total excess contributions of both spouses (based on the separate return computation). To the extent that a portion of the amount allocated to either spouse in accordance with the foregoing provisions of this subdivision is not treated in accordance with the provisions of subparagraph (2) of this paragraph as a charitable contribution paid to an organization specified in section 170(b)(1)(A) in the taxable year in which a separate return or separate returns are filed, each spouse shall for purposes of subparagraph (2) of this paragraph treat his respective unused portion as the available charitable contributions carryover to the next succeeding taxable year in which the joint excess charitable contribution may be treated as paid in accordance with subparagraph (1) of this paragraph. If such husband and wife make a joint return in one of the five taxable years immediately succeeding the contribution year with respect to which a joint excess charitable contribution is computed and following the first succeeding year in which such husband and wife filed a separate return or separate returns, the amounts allocated to each spouse in accordance with this subdivision for such first year reduced by the portion of such amounts treated as paid to an organization specified in section 170(b)(1)(A) in such first year and in any taxable year intervening between such first year and the succeeding taxable year in which the joint return is filed shall be aggregated for purposes of determining the amount of the available charitable contributions carryover to such succeeding taxable year. The provisions of this subdivision (i) may be illustrated by the following example:

Example. H and W file joint returns for 1964, 1965, and 1966, and in 1967 they file separate returns. In each such year H and W itemize their deductions in computing taxable income. Assume the following factual situation with respect to H and W for 1964:

1964	*H*	*W*	*Joint return*
Adjusted gross income	$50,000	$40,000	$90,000
Contributions to section 170(b)(1)(A) organization (no other contributions)	27,000	20,000	47,000
Allowable charitable contribution deductions	15,000	12,000	27,000
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years	12,000	8,000	20,000

The joint excess charitable contribution of $20,000 is to be treated as having been paid to a section 170(b)(1)(A) organization in the five succeeding taxable years. Assume that in 1965, the portion of such excess treated as paid by H and W is $3,000 and that in 1966, the portion of such excess treated as paid is $7,000. Thus, the unused portion of the excess charitable contribution made in the contribution year is $10,000 ($20,000 less $3,000 (amount treated as paid in 1965) and $7,000 (amount treated as paid in 1966)). Since H and W file separate returns in 1967, $6,000 of such $10,000 is allocable to H and $4,000 is allocable to W. Such allocation is computed as follows:

$$\frac{\$12,000 \text{ (excess charitable contributions made by H (based on separate return computation) in 1964)}}{\$20,000 \text{ (total excess charitable contributions made by H and W (based on separate return computation) in 1964)}} \times \$10,000 = \$6,000$$

$$\frac{\$8,000 \text{ (excess charitable contributions made by W (based on separate return computation) in 1964)}}{\$20,000 \text{ (total excess charitable contributions made by H and W (based on separate return computation) in 1964)}} \times \$10,000 = \$4,000$$

In 1967 H has adjusted gross income of $70,000 and he contributes $14,000 to an organization specified in section 170(b)(1)(A). In 1967 W has adjusted gross income of $50,000, and she contributes $10,000 to an organization specified in section 170(b)(1)(A). H may claim a charitable contribution deduction of $20,000 in 1967, and W may claim a charitable contribution deduction of $14,000 in 1967. H's $20,000 deduction consists of the $14,000 contribution to the section 170(b)(1)(A) organization in 1967 and $6,000 carried over from 1964 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. W's $14,000 deduction consists of the $10,000 contribution made to a section 170(b)(1)(A) organization in 1967 and $4,000 carried over from 1964 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1967. The $6,000 contribution treated as paid in 1967 by H, and the $4,000 contribution treated as paid in 1967 by W are computed as follows:

	H	*W*
Available charitable contribution carryover (see computations above)	$6,000	$4,000
30-percent of adjusted gross income	21,000	15,000
Contributions made in 1967 to section 170(b)(1)(A) organization (no other contributions)	14,000	10,000
Amount of allowable deduction unused	7,000	5,000
Amount of excess contributions treated as paid in 1967—the lesser of $6,000 (available carryover of H to 1967) or $7,000 (excess of 30 percent of adjusted gross income ($21,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations ($14,000))	6,000	
The lesser of $4,000 (available carryover of W to 1967) or $5,000 (excess of 30 percent of adjusted gross income ($15,000) over contributions actually made in 1967 to section 170(b)(1)(A) organizations ($10,000))	------	4,000

(ii) *From separate returns to joint return and remarried taxpayers.* If in the case of a husband and wife—

(*a*) Either or both of the spouses make a separate return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of subparagraphs (1) and (5) of this paragraph, and

(*b*) Such husband and wife make a joint return for one or more of the taxable years immediately succeeding such contribution year,

the excess charitable contribution of the husband and wife for the contribution year which is unused at the beginning of the first taxable year for which a joint return is filed shall be aggregated for purposes of determining the portion of such unused charitable contribution which shall be treated in accordance with subparagraph (2) of this paragraph as a charitable contribution paid to an organization specified in section 170(b)(1)(A). The provisions of this subdivision are also applicable in the case of two single individuals who are subsequently married and file a joint return. A remarried taxpayer who filed a joint return with a former spouse in a contribution year with respect to which an excess charitable contribution was computed and who in any one of the five taxable years immediately succeeding such contribution year files a joint return with his (or her) present spouse shall treat the unused portion of such excess charitable contribution allocated to him (or her) in accordance with subdivision (i) of this subparagraph in the same manner as the unused portion of an excess charitable contribution computed in a contribution year in which he filed a separate return for purposes of determining the amount which in accordance with subparagraph (2) of this paragraph shall be treated as paid to an organization specified in section 170(b)(1)(A) in such succeeding year.

(iii) *Unused excess charitable contribution of deceased spouse.* In case of the death of one spouse, any unused portion of an excess charitable contribution which is allocable (in accordance with subdivision (i) of this subparagraph) to such spouse shall not be treated as paid in the taxable year in which such death occurs or in any subsequent taxable year except on a separate return made for the deceased spouse by a fiduciary for the taxable year which ends with the date of death or on a joint return for the taxable year in which such death occurs. The application of this subdivision may be illustrated by the following example:

Example. Assume the same facts as in the example in subdivision (i) of this subparagraph except that H dies in 1966 and W files a separate return for 1967. W made a joint return for herself and H for 1966. In that example, the unused excess charitable contribution as of January 1, 1967, was $10,000, $6,000 of which was allocable to H and $4,000 to W. No portion of the $6,000 allocable to H may be treated as paid by W or any other person in 1967 or any subsequent year.

(7) *Information required in support of a deduction of an amount treated as paid.* If, in a taxable year, a deduction is claimed in respect of an excess charitable contribution which, in accordance with the provisions of subparagraph (2) of this paragraph, is treated (in whole or in part) as paid in such taxable year, the taxpayer shall attach to his return a statement showing:

(i) The year (or years) in which the excess charitable contributions were made (the contribution year or years),

(ii) The excess charitable contributions made in each contribution year,

(iii) The portion of such excess (or each such excess) treated as paid in accordance with subparagraph (2) of this paragraph in any taxable year intervening between the contribution year and the taxable year for which the return is made, and

(iv) Such other information as the return or the instructions relating thereto may require.

PAR. 3. Paragraph (c) of § 1.170–3 is amended to read as follows:

§ 1.170–3 Contributions or gifts by corporations.

* * * * *

(c) *Charitable contributions carryover of corporations*—(1) *Contributions made in taxable years beginning before January 1, 1962.* Subject to the rules set forth in subparagraph (3) of this paragraph, any contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the contribution year) subject to the Code beginning before January 1, 1962, in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for the succeeding year under the 5-percent limitation of section 170(b)(2) over the contributions made in that year; and

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess contributions; and, in the case of the second taxable year succeeding the contribution year, the portion of the excess contributions not deductible in the first succeeding taxable year.

The application of the rules in this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $10,000 in June 1961, anticipating taxable income for 1961 of $200,000. Its actual taxable income (without regard to any deduction for charitable contributions) for 1961 is only $50,000 and the charitable deduction for that year is limited to $2,500 (5 percent of $50,000). The excess charitable contribution not deductible in 1961 ($7,500) represents a carryover potentially available as a deduction in the two succeeding taxable years. The corporation has taxable income (without regard to any deduction for charitable contributions) of $150,000 in 1962 and makes a charitable contribution of $2,500 in that year. For 1962, the corporation may deduct as a charitable contribution the amount of $7,500 (5 percent of $150,000). This amount consists first of the $2,500 contribution made in 1962, and $5,000 of the $7,500 carried over from 1961. The remaining $2,500 carried over from 1961 and not allowable as a deduction in 1962 because of the 5-percent limitation may be carried over to 1963. The corporation has taxable income (without regard to any deduction for charitable contributions) of $100,000 in 1963 and makes a charitable contribution of $3,000. For 1963, the corporation may deduct under section 170 the amount of $5,000 (5 percent of $100,000). This amount consists first of the $3,000 contributed in 1963, and $2,000 of the $2,500 carried over from 1961 to 1963. The remaining $500 of the carryover from 1961 is not allowable as a deduction in any year because of the 2-year limitation with respect to excess contributions made in taxable years beginning before January 1, 1962.

(2) *Contributions made in taxable years beginning after December 31, 1961.* Subject to the rules set forth in subparagraph (3) of this paragraph, any contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the contribution year) beginning after December 31, 1961, in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the five succeeding taxable years in order of time, but only to the extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for such succeeding taxable year under the 5-percent limita-

tion of section 170(b)(2) over the sum of the contributions made in that year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this paragraph in such succeeding taxable year; or

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess contributions, and in the case of the second, third, fourth, or fifth taxable years succeeding the contribution year, the portion of the excess contributions not deductible under this subparagraph for any taxable year intervening between the contribution year and such succeeding taxable year.

The application of the rules of this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $20,000 in June 1964, anticipating taxable income for 1964 of $400,000. Its actual taxable income (without regard to any deduction for charitable contributions) for 1964 is only $100,000 and the charitable deduction for that year is limited to $5,000 (5 percent of $100,000). The excess charitable contribution not deductible in 1964 ($15,000) represents a carryover potentially available as a deduction in the five succeeding taxable years. The corporation has taxable income (without regard to any deduction for charitable contributions) of $150,000 in 1965 and makes a charitable contribution of $5,000 in that year. For 1965 the corporation may deduct as a charitable contribution the amount of $7,500 (5 percent of $150,000). This amount consists first of the $5,000 contribution made in 1965, and $2,500 carried over from 1964. The remaining $12,500 carried over from 1964 and not allowable as a deduction for 1965 because of the 5-percent limitation may be carried over to 1966. The corporation has taxable income (without regard to any deduction for charitable contributions) of $200,000 in 1966 and makes a charitable contribution of $5,000. For 1966, the corporation may deduct the amount of $10,000 (5 percent of $200,000). This amount consists first of the $5,000 contributed in 1966, and $5,000 of the $12,500 carried over from 1964 to 1966. The remaining $7,500 of the carryover from 1964 is available for purposes of computing the charitable contributions carryover from 1964 to 1967, 1968, and 1969.

(3) *Reduction of excess contributions.* A corporation having a net operating loss carryover (or carryovers) must apply the special rule of section 170(b)(3) and this subparagraph before computing under subparagraph (1) or (2) of this paragraph the charitable contributions carryover for any taxable year subject to the Internal Revenue Code of 1954. In determining the amount of charitable contributions that may be deducted in accordance with the rules set forth in subparagraph (1) or (2) of this paragraph in taxable years succeeding the contribution year, the excess of contributions made by a corporation in the contribution year over the amount deductible in such year must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the net operating loss carryover under the second sentence of section 172(b)(2)) and increases a net operating loss carryover to a succeeding taxable year. Thus, if the excess of the contributions made in a taxable year over the amount deductible in the taxable year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no charitable contributions carryover will be allowed. If only a portion of the excess charitable contributions is so used, the charitable contributions carryover will be reduced only to that extent. The application of the rules of this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $10,000 during the taxable year 1960. Its taxable income for 1960 is $80,000 (computed without regard to any net operating loss deduction and computed in accordance with section 170(b)(2) without regard to any deduction for charitable contributions). The corporation has a net operating loss carryover from 1959 of $80,000. In the absence of the net operating loss deduction the corporation would have been allowed a deduction for charitable contributions of $4,000 (5 percent of $80,000). After the application of the net operating loss deduction the corporation is allowed no deduction for charitable contributions, and there is a tentative charitable contribution carryover of $10,000. For purposes of determining the net operating loss carryover to 1961 the corporation computes its taxable income for its prior taxable year 1960 under section 172(b)(2) by deducting the $4,000 charitable contribution. Thus, after the $80,000 net operating loss carryover is applied against the $76,000 of taxable income for 1960 (computed in accordance with section 172(b)(2)), there remains a $4,000 net operating loss carryover to 1961. Since the application of the net operating loss carryover of $80,000 from 1959 reduces the taxable income for 1960 to zero, no part of the $10,000 of charitable contributions in that year is deductible under section 170(b)(2). However, in determining the amount of the allowable charitable contributions carryover to the taxable years 1961 and 1962, the $10,000 must be reduced by the portion thereof ($4,000) which was used to reduce taxable income for 1960 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1961 from zero to $4,000.

(4) *Year contribution is made.* For purposes of this paragraph, contributions made by a corporation in a contribution year include contributions which, in accordance with the provisions of section 170(a)(2) and paragraph (b) of this section, are considered as paid during such contribution year.

(5) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year (computed as provided in this paragraph) shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of contributions shall be limited to the maximum amount deductible under the 5-percent limitation of section 170(b)(2) (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the contribution year.

(6) *Effect of net operating loss carryback to taxable years succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is deductible (as provided in this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining (under the provisions of section 172(b)(2)) the amount of the net operating loss for any year subsequent to the deduction year which is a carryback or a carryover to taxable years succeeding the deduction year, the amount of contributions shall be limited to the maximum amount deductible under the 5-percent limitation of section 170(b)(2) (computed without regard to any net operating loss carryback or any of the modifications referred to in section 172(d)) for the deduction year.

PAR. 4. Paragraph (a)(3)(ii) of § 1.172–5 is amended by revising the portion thereof which precedes example (1) to read as follows:

§ 1.172–5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.

(a) *Taxable year subject to the Internal Revenue Code of 1954.* * * *

(3) *Modifications applicable to all taxpayers.* * * *

(ii) *Recomputation of percentage limitations.* Unless otherwise specifically provide in this subchapter, any deduction which is limited in amount to a percentage of the taxpayer's taxable income or adjusted gross income shall be recomputed upon the basis of the taxable income or adjusted gross income, as the case may be, determined with the modifications prescribed in this paragraph. Thus, in the case of an individual the deduction for medical expenses would be recomputed after making all the modifications prescribed in this paragraph, whereas the deduction for charitable contributions would be determined without regard to any net operating loss carryback but with regard to any other modifications so prescribed. See, however, the regulations under paragraph (g) of § 1.170–2 (relating to charitable contributions carryover of individuals) and paragraph (c) of § 1.170–3 (relating to charitable contributions carryover of corporations) for special rules regarding charitable contributions in excess of the percentage limitations which may be treated as paid in succeeding taxable years.

* * * * *

PAR. 5. Section 1.381(c)(19) is amended to read as follows:

§ 1.381(c)(19) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; charitable contributions in excess of prior years' limitation.

Sec. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(19) *Charitable contributions in excess of prior years' limitations.* Contributions made in the taxable year ending on the date of distribution or transfer and the 4 prior taxable years by the distributor or transferor corporation in excess of the amount deductible under section 170(b)(2) for such taxable years shall be deductible by the acquiring corporation for its taxable years which begin after the date of distribution or transfer, subject to the limitations imposed in section 170(b)(2). In applying the preceding sentence, each taxable year of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a prior taxable year with reference to the acquiring corporation's taxable years beginning after such date.

[Sec. 381(c)(19) as amended by sec. 209(d)(2), Rev. Act 1964 (78 Stat. 46)]

PAR. 6. Section 1.381(c)(19)–1 is amended by revising paragraph (a), paragraph (b)(3), paragraph (c), and paragraph (d). These revised provisions read as follows:

§ 1.381(c)(19)–1 Charitable contribution carryovers in certain acquisitions.

(a) *Carryover requirement.* Section 381(c)(19) provides that, in computing taxable income for its taxable years which begin after the date of distribution or transfer to which section 381(a) applies, the acquiring corporation shall take into account any charitable contributions made by a distributor or transferor corporation during the taxable year ending on the date of distribution or transfer, and in certain immediately preceding taxable years, which are in excess of the maximum amount deductible for those taxable years under section 170(b)(2) in the following manner:

(1) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins before January 1, 1962, the acquiring corporation shall, in computing taxable income for its first 2 taxable years which begin after the date of such distribution or transfer, take into account the excess contributions made by the distributor or transferor corporation in the taxable year ending on the date of distribution or transfer and in the immediately preceding taxable year;

(2) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, the acquiring corporation shall, in computing taxable income for certain taxable years which begin after the date of distribution or transfer, take into account the excess contributions made by the distributor or transferor corporation in the taxable year ending on such date of distribution or transfer and in any of the four taxable years immediately preceding such taxable year but excluding any taxable year beginning before January 1, 1962 (see paragraph (c)(3) of this section). Notwithstanding the preceding sentence, if the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, and before January 1, 1963, the acquiring corporation shall, in computing taxable income for its first taxable year which begins after the date of distribution or transfer, also take into account the excess contributions made by the distributor or transferor corporation in the taxable year immediately preceding the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer (see paragraph (c)(2) of this section).

To determine the amount of excess contributions made by a distributor or transferor corporation and to integrate them with contributions made by the acquiring corporation for the purpose of determining the charitable contributions deductible by the acquiring corporation for its taxable years beginning immediately after the date of distribution or transfer, it is necessary to apply the provisions of section 170(b)(2) and § 1.170–3 in accordance with the conditions and limitations of section 381(c)(19) and this section.

(b) *Manner of computing excess charitable contribution carryovers.* * * *

(3) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in certain immediately preceding taxable years (see paragraph (c) of this section) which are not deductible by the distributor or transferor corporation because of the 5-percent limitation of section 170(b)(2) shall be available to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) of § 1.381(a)–1, then, subject to the conditions and limitations of this section, 100 percent of the excess contributions made by the subsidiary corporation would be available to the acquiring corporation.

(c) *Taxable years to which carryovers apply and amount deductible*—(1) *Taxable years beginning before January 1, 1962.* If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins before January 1, 1962:

(i) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first taxable year shall not be deducted by that corporation in any other taxable year.

(ii) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second taxable year beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first and second taxable years shall not be deducted by that corporation in any other taxable year.

(2) *Taxable years beginning in 1962.* If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1961, and before January 1, 1963:

(i) The excess charitable contributions made by a distributor or transferor corporation in its taxable year immediately preceding that ending on the date of distribution or transfer, to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on that date, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) in its first taxable year beginning after the date of distribution or transfer. Any portion of such excess which is not deductible under this section by the acquiring corporation in such first year shall not be deducted by that corporation in any other taxable year.

(ii) The excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and beginning after December 31, 1961, and before January 1, 1963, shall first be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and this section in its first taxable year beginning after that date and then, to the extent prescribed by section 170(b)(2) and this section, in its second, third, fourth, and fifth taxable year, in order of time, beginning after that date. Any portion of such excess which is not deductible under this section by the acquiring corporation in such 5 taxable years shall not be deducted by that corporation in any other taxable year.

(3) *Taxable years beginning after December 31, 1962.* (i) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1962, the excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in each of its 4 immediately preceding

taxable years (excluding any taxable year beginning before January 1, 1962), to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on the date of distribution or transfer or its prior taxable years, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) and subdivision (ii) of this subparagraph, in its taxable years which begin after the date of distribution or transfer. However, any portion of the excess charitable contributions made by a distributor or transferor corporation in a particular taxable year (to which this subparagraph is applicable) which is not deductible under this section within the 5 taxable years immediately following the taxable year in which the contribution was paid by the distributor or transferor corporation shall not be deductible by the acquiring corporation in any other taxable year.

(ii) For purposes of determining the 5 taxable years in which the excess contributions may be deducted, all taxable years of the distributor or transferor corporation subsequent to the taxable year in which the excess contribution was made, including the taxable year ending on the date of distribution or transfer shall be treated as taxable years of the acquiring corporation.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. X Corporation and Y Corporation both compute taxable income on the calendar year basis. X Corporation has excess charitable contributions for 1962 and 1964. On December 31, 1966, X Corporation distributes all its assets to Y Corporation in a complete liquidation to which section 381(a) applies. The excess 1962 charitable contributions of X Corporation (to the extent not deductible by X because of the limitations of section 170(b)(2) in its taxable years 1963 through 1966) may be deducted by Y Corporation only in 1967. Y Corporation's taxable year 1967 is the fifth taxable year succeeding the taxable year 1962 (the year in which the excess contributions were made), and the portion of such excess contributions which is not deductible in the 5 taxable years immediately succeeding 1962 (1963 through 1967) is not deductible by Y Corporation in any other taxable year. Any excess charitable contributions for 1964 to which Y Corporation may be entitled must be deducted by Y Corporation (if deductible at all) in 1967, 1968, and 1969 since such years are the third, fourth, and fifth taxable years succeeding the taxable year 1964 (the year in which the excess contributions were paid).

(4) *General rules.* No excess charitable contributions made by a distributor or transferor corporation shall be deductible by the acquiring corporation in its taxable year which includes the date of distribution or transfer. In addition, an excess charitable contribution made by a distributor or transferor corporation in a taxable year prior to the taxable year of the transfer is only deductible by the distributor or transferor corporation, subject to the limitations of section 170(b)(2), in its subsequent taxable years which begin on or before the date of distribution or transfer, and by the acquiring corporation in its taxable year (or years) beginning after the date of distribution or transfer.

(d) *Rules governing amounts deductible by acquiring corporations.* (1) In applying the provisions of section 170(b)(2) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its taxable years beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to a particular taxable year beginning after the date of distribution or transfer, constitute the same numbered preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Thus, for example, all taxable years of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation beginning after the date of distribution or transfer, constitute the second preceding taxable year shall together be considered as one taxable year even though the taxable years involved may not end on the same date. Any excess charitable contributions carried over from preceding taxable years which are considered as one taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation.

(2) For purposes of this paragraph, each taxable year of the distributor or transferor corporation beginning on or before the date of distribution or transfer shall be treated as a preceding taxable year with reference to the acquiring corporation's taxable years beginning after such date. For example, the taxable year of a distributor or transferor corporation which ends on the date of distribution or transfer shall be considered a first preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date, a second preceding taxable year with reference to the acquiring corporation's second taxable year beginning after that date, and so forth with respect to succeeding taxable years of the acquiring corporation. Also, for example, the taxable year of a distributor or transferor corporation which immediately precedes its taxable year ending on the date of distribution or transfer shall be considered a second preceding taxable year with reference to the acquiring corporation's first taxable year beginning after that date.

* * * * *

PAR. 7. Section 1.545 is amended by revising section 545(b) (1) and (2), and by revising the historical note. These revised provisions read as follows:

§ 1.545 Statutory provisions; undistributed personal holding company income.

Sec. 545. *Undistributed personal holding company income.* * * *

(b) *Adjustments to taxable income.* * * *

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing subchapter A net income under such Code, shall deduct taxes under this paragraph when paid, unless the taxpayer elects, in its return for a taxable year ending after June 30, 1954, to deduct the taxes described in this paragraph when accrued. Such an election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1) (A) and (B) shall apply, and section 170(b) (2) and (5) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b) (2) and (5) and without deduction of the amount disallowed under paragraph (8) of this subsection.

* * * * *

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 207(b)(5) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 8. Paragraph (b) of § 1.545–2 is amended by revising subparagraphs (1) and (2) to read as follows:

§ 1.545–2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions.* (1) Section 545(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining undistributed personal holding company income of a corporation, the limitations in section 170(b)(1) (A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b) (2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of

section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545(b)(3) (relating to expenses and depreciation applicable to property of the taxpayer). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed personal holding company income for any taxable year.

* * * * *

PAR. 9. Section 1.556 is amended by revising section 556(b)(1) and (2), and by revising the historical note. These revised provisions read as follows:

§ 1.556 Statutory provisions; undistributed foreign personal holding company income.

Sec. 556. *Undistributed foreign personal holding company income*— * * *

(b) *Adjustments to taxable income.* * * *

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits, and excess-profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the provisions of supplement P of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing undistributed supplement P net income under such code, shall deduct taxes under this paragraph when paid, unless the corporation elects, under regulations prescribed by the Secretary or his delegate, after the date of enactment of this title to deduct the taxes described in this paragraph when accrued. Such election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A) and (B) shall apply, and section 170(b)(2) and (5) shall not apply. For purposes of this paragraph, the term "adjusted gross income" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2) and (5) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

* * * * *

[Sec. 556 as amended by sec. 33, Technical Amendments Act 1958 (72 Stat. 1632); secs. 207(b)(6) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46)]

PAR. 10. Paragraph (b) of § 1.556–2 is amended by revising subparagraphs (1) and (2) to read as follows:

§ 1.556–2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions.* (1) Section 556(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining the undistributed foreign personal holding company income of a corporation, the limitations in section 170(b)(1)(A) and (B) (relating to charitable contributions by individuals) shall apply and section 170(b)(2) and (5) (relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively) shall not apply.

(2) Although the limitations of section 170(b)(1)(A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2) (that is, the same amount of taxable income to which the 5-percent limitation applied). Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556(b)(6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder). The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

* * * * *

[F.R. Doc. 66–12456; Filed, Nov. 16, 1966; 8:47 a.m.]

Title 29—LABOR

Chapter X—National Mediation Board

PART 1207—ESTABLISHMENT OF SPECIAL ADJUSTMENT BOARDS

On pages 13946 and 13947 of the FEDERAL REGISTER of November 1, 1966, there was published a notice of proposed rule making to issue rules governing the establishment of special adjustment boards upon the request of either representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board. Interested persons were given an additional ten (10) days to submit written comments, suggestions, or objections regarding the proposed rules which had first appeared at pages 10697 and 10698 of the FEDERAL REGISTER of August 11, 1966, and had then appeared subsequently in the FEDERAL REGISTER of October 12, 1966 at pages 13176 and 13177.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall become effective upon their publication in the FEDERAL REGISTER.

THOMAS A. TRACY,
Executive Secretary.

Sec.
1207.1 Establishment of special adjustment boards (PL Boards).
1207.2 Requests for Mediation Board action.
1207.3 Compensation of neutrals.
1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

AUTHORITY: The provisions of this Part 1207 issued under the Railway Labor Act, as amended (45 U.S.C. 151–163).

§ 1207.1 Establishment of special adjustment boards (PL Boards).

Public Law 89–456 (80 Stat. 208) governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards, hereinafter referred to as PL Boards. Public Law 89–456 requires action by the National Mediation Board in the following circumstances:

(a) *Designation of party member of PL Board.* Public Law 89–456 provides that within thirty (30) days from the date a written request is made by an employee representative upon a carrier, or by a carrier upon an employee representative, for the establishment of a PL Board, an agreement establishing such a Board shall be made. If, however, one party fails to designate a member of the Board, the party making the request may ask the Mediation Board to designate a member on behalf of the other party. Upon receipt of such request, the Mediation Board will notify the party which failed to designate a partisan member for the establishment of a PL Board of the receipt of the request. The Mediation Board will then designate a representative on behalf of the party upon whom

the request was made. This representative will be an individual associated in interest with the party he is to represent. The designee, together with the member appointed by the party requesting the establishment of the PL Board, shall constitute the Board.

(b) *Appointment of a procedural neutral to determine matters concerning the establishment and/or jurisdiction of a PL Board.* (1) When the members of a PL Board constituted in accordance with paragraph (a) of this section, for the purpose of resolving questions concerning the establishment of the Board and/or its jurisdiction, are unable to resolve these matters, then and in that event, either party may ten (10) days thereafter request the Mediation Board to appoint a neutral member to determine these procedural issues.

(2) Upon receipt of this request, the Mediation Board will notify the other party to the PL Board. The Mediation Board will then designate a neutral member to sit with the PL Board and resolve the procedural issues in dispute. When the neutral has determined the procedural issues in dispute, he shall cease to be a member of the PL Board.

(c) *Appointment of neutral to sit with PL Boards and dispose of disputes.* (1) When the members of a PL Board constituted by agreement of the parties, or by the appointment of a party member by the Mediation Board, as described in paragraph (a) of this section, are unable within ten (10) days after their failure to agree upon an award to agree upon the selection of a neutral person, either member of the Board may request the Mediation Board to appoint such neutral person and upon receipt of such request, the Mediation Board shall promptly make such appointment.

(2) A request for the appointment of a neutral under paragraph (b) of this section or this paragraph (c) shall:

(i) Show the authority for the request—Public Law 89–456, and

(ii) Define and list the proposed specific issues or disputes to be heard.

§ 1207.2 Requests for Mediation Board action.

(a) Requests for the National Mediation Board to appoint neutrals or party representatives should be made on NMB Form 5.

(b) Those authorized to sign request on behalf of parties:

(1) The "representative of any craft or class of employees of a carrier," as referred to in Public Law 89–456, making request for Mediation Board action, shall be either the General Chairman, Grand Lodge Officer (or corresponding officer of equivalent rank), or the Chief Executive of the representative involved. A request signed by a General Chairman or Grand Lodge Officer (or corresponding officer of equivalent rank) shall bear the approval of the Chief Executive of the employee representative.

(2) The "carrier representative" making such a request for the Mediation Board's action shall be the highest carrier officer designated to handle matters arising under the Railway Labor Act.

(c) Docketing of PL Board agreements: The National Mediation Board will docket agreements establishing PL Board, which agreements meet the requirements of coverage as specified in Public Law 89–456. No neutral will be appointed under § 1207.1(c) until the agreement establishing the PL Board has been docketed by the Mediation Board.

§ 1207.3 Compensation of neutrals.

(a) *Neutrals appointed by the National Mediation Board.* All neutral persons appointed by the National Mediation Board under the provisions of § 1207.1 (b) and (c) will be compensated by the Mediation Board in accordance with legislative authority. Certificates of appointment will be issued by the Mediation Board in each instance.

(b) *Neutrals selected by the parties.* (1) In cases where the party members of a PL Board created under Public Law 89–456 mutually agree upon a neutral person to be a member of the Board, the party members will jointly so notify the Mediation Board, which Board will then issue a certificate of appointment to the neutral and arrange to compensate him as under paragraph (a) of this section.

(2) The same procedure will apply in cases where carrier and employee representatives are unable to agree upon the establishment and jurisdiction of a PL Board, and mutually agree upon a procedural neutral person to sit with them as a member and determine such issues.

§ 1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

(a) *Designation of PL Boards.* All special adjustment boards created under Public Law 89–456 will be designated PL Boards, and will be numbered serially, commencing with No. 1, in the order of their docketing by the National Mediation Board.

(b) *Filing of agreements.* The original agreement creating the PL Board under Public Law 89–456 shall be filed with the National Mediation Board at the time it is executed by the parties. A copy of such agreement shall be filed by the parties with the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill.

(c) *Disposition of records.* Since the provisions of section 2(a) of Public Law 89–456 apply also to the awards of PL Boards created under this Act, two copies of all awards made by the PL Boards, together with the record of proceedings upon which such awards are based, shall be forwarded by the neutrals who are members of such Boards, or by the parties in case of disposition of disputes by PL Boards without participation of neutrals, to the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill., for filing, safekeeping, and handling under the provisions of section 2(q), as may be required.

[F.R. Doc. 66–12451; Filed, Nov. 16, 1966; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

Subpart F—Military Ordinary Mail

On September 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12038), affording to interested persons an opportunity to present data, views, or arguments for consideration in formulating regulations setting forth the principles and procedures to be applicable in the future to the dispatch and division of military ordinary mail in overseas and foreign air commerce. Set forth in the aforementioned notice were tentative regulations constituting a proposed new Subpart F to Title 39, Code of Federal Regulations, and consisting of § 96.55, as follows:

§ 96.55 *Dispatch and division.* (a) Military ordinary mail may not be dispatched on an aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

(b) Military ordinary mail shall be dispatched by the most expeditious service to the airport of destination to the extent that space is available on a flight under the conditions set forth in paragraph (a) of this section.

(c) Military ordinary mail for competitive points shall be divided equally between competitive flights as nearly as practicable if such flights are scheduled to arrive at the airport of destination within 2 hours of each other. When one carrier operates multiple competitive flights scheduled to arrive at an airport within 2 hours of a competitive flight or flights of another carrier, the military ordinary mail shall be divided equally between air carriers rather than between flights. For each application of these principles the time period of 2 hours shall start with the first scheduled arrival of a flight or flights not included in an earlier division. A divided share of military ordinary mail will not be subject to further division.

(d) Military ordinary mail will be divided on a weight basis which, to the extent practicable, reflects an equitable division of types of such mail having different space requirements.

(e) The use of a flight or flights may be suspended in the event of cancellation, unduly delayed departure, frequent failure of schedule performance, abnormal mail backlog, or other unusual or unanticipated condition which would otherwise delay the dispatch of military ordinary mail or impair the service to be accorded such mail.

On the basis of representations made in behalf of Seaboard World Airlines, Inc. (hereinafter Seaboard), dates specified in the original notice of proposed rule making for submission of initial and rebuttal comments, October 21, and November 5, 1965, respectively, were extended to January 19, and February 3, 1966 (30 F.R. 13265), were further extended to April 20, and May 5, 1966 (31 F.R. 712), and were finally extended to June 20, and July 6, 1966 (31 F.R. 5665).

As a result of these notices, the matter of regulations applicable to the dispatch and division of military ordinary

mail to be transported in overseas and foreign air commerce has been the subject of extensive rule making procedures, involving submission to the Post Office Department (hereinafter Department) of initial and rebuttal comments by interested persons. The information thus developed in the course of the rule making proceeding affords a sound and adequate basis on which to determine the action to be taken with respect to the subject matter and issues involved. Accordingly, it appears that further public rule making proceedings are unnecessary.

Basis and purpose. Military ordinary mail, as described in the Civil Aeronautics Board's Order Nos. E–15182, May 4, 1960 (Atlantic Service); E–15463, June 29, 1960, as amended (Pacific Service); and E–16012, November 10, 1960 (Latin-American Service), consists of "all classes of U.S. Mail other than airmail and air parcel post, including official and personal letters and parcels, addressed to or from military post offices outside the United States," selected for air transportation by the Department of Defense, which is transported subject to the condition that an air carrier may not accept military ordinary mail for movement in an aircraft unless such carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post in such aircraft and (in the case of an aircraft accommodating passengers) has also first provided fully for passenger requirements in such aircraft.

Initially the Department limited tenders of military ordinary mail to all-cargo flights pursuant to the request of the Department of Defense. On March 20, 1964, the Secretary of Defense requested the Department to provide military ordinary mail the best possible commercial air service, advising further that the Department of Defense did not wish the movement of this mail to be delayed for the purpose of favoring any civil air line or type of aircraft. The Department of Defense reaffirmed this position in February 1965, in a communication to the Assistant Postmaster General, Bureau of Transportation and International Services.

The basis of the proposed regulations, as described in a staff statement submitted by the Director, International Services Division, of the Department's Bureau of Transportation and International Services, is the "need for clear and definite guidelines in the principles and procedures to be applicable in the future to the dispatch and division of military ordinary mail * * *. At present there are no published rules or regulations for dispatch and division of military ordinary mail. These have been governed by administrative directives issued from time to time. The substantial growth in volume of this mail, and the increase in schedule availability of transportation points up the necessity for clear and definite rules, uniformly applied, for the benefit of the Post Office Department, the Department of Defense, and the international air carriers."

Proposed paragraph (a) of § 69.55 simply restates the conditions imposed by the Civil Aeronautics Board in rate orders applicable to military ordinary mail. Proposed paragraph (b) makes it clear and unequivocal that "the most expeditious service" is determined by scheduled arrival time at the destination airport to which military ordinary mail is dispatched.

Proposed paragraph (c) is intended to provide practicable and equitable principles for dividing mail among competitive flights without unduly delaying the mail involved. Flights are considered to be competitive, and thus eligible for a division of mail, if they are scheduled to arrive at the same destination "within 2 hours of each other." If one carrier operates multiple flights scheduled to arrive at the same destination within 2 hours of the competitive flight or flights of another carrier, mail would be divided among carriers rather than among flights.

It is not contemplated that a precisely equal division of mail will be effected for each dispatch subject to division, because, in actual practice, mail subject to division consists of not only that which has accumulated at the point of origin for dispatch to a particular destination at the time of division, but also the additional mail which accumulates between the time the division has been made and the earlier departing schedule has left, and the time when the later departing schedule participating in the division will acquire its mail dispatch. To achieve equity, the mail volume on hand at the time of division must be increased by an estimate of the further accumulation anticipated before dispatch to the later departing schedule participating in the same division. Such estimates, in turn, are based upon experienced volumes for such flights for the recent past.

It is not intended that divided mail volume be subdivided. Paragraph (c) provides that, for the purposes of division, "the time period of 2 hours shall start with the first scheduled arrival of a flight or flights not included in an earlier division." This provision is intended to make clear to postal employees that if three flights of three carriers, A, B, and C, are scheduled to arrive at the same destination within a span of 3 hours, the flights of Carriers A and B arriving within the same 2-hour period, but the flight of Carrier C arriving more than 2 hours after the flight of Carrier A but less than 2 hours after the flight of Carrier B, there would be a division of mail between the flights of Carriers A and B, but there would be no division of mail between the flights of Carriers B and C.

Since military ordinary mail, unlike airmail, is not accorded a priority over all other traffic, proposed paragraph (c) must be modified in one respect. Under this tentative provision, as it now reads, "the time period of 2 hours [for division of mail] shall start with the first scheduled arrival of a flight or flights not included in an earlier division." Since, as pointed out in the staff statement, a division between otherwise eligible flights may not be effected, in some instances because an eligible flight may be unable to accommodate military mail, a flight having the earliest scheduled arrival could be excluded from a division solely because of lack of available capacity. Under tentative paragraph (c), such a schedule would start the running of the 2-hour period, but this provision could be erroneously construed when applied to schedules which departed without the capacity to accommodate a divided share of the mail. To obviate such a misinterpretation, which would result in delay to the mail, the Department has concluded that the penultimate sentence in this paragraph should be changed to read as follows:

> For each application of these principles the time period of 2 hours shall begin with the first scheduled arrival of a flight or flights not included in an earlier division, whether or not such flight or flights actually carry any military ordinary mail.

Paragraph (d) is intended to insure that divided mail volumes will be approximately equal in density. If weight alone is considered, a resultant division would provide one carrier with pouches of letter mail requiring a small amount of space and the remaining carrier with an equal weight of pouches containing parcels, which because of low density, would need a disproportionately larger space in the aircraft. Since compensation is based solely on the weight of the mail dispatched, elementary fairness requires that division be made with allowance for the varying densities of different classes of mail.

Paragraph (e) restates principles which, for many years, have been embodied in instructions to field personnel, and under which the use of particular flights has been suspended due to cancellations, delayed departures, or other unusual circumstances which would otherwise delay dispatch of military ordinary mail. A similar provision applies to the dispatch of international and military airmail. See 39 CFR 96.45(d)(4).

Statement of considerations. On March 20, 1964, in a letter to the Postmaster General, the Secretary of Defense stated:

> It is my desire that all Defense Department overseas mail both airmail and military ordinary mail be provided the best possible commercial air service. We do not wish the movement of this mail to be delayed for the purpose of favoring any civil air line or type of aircraft.

After publication of the proposed rules for the dispatch and division of military ordinary mail in the FEDERAL REGISTER, the Deputy Assistant Secretary for Defense (Logistics Services) on October 12, 1965, submitted a statement to the Department reflecting the Department of Defense's support of the proposed rules as compatible with the request of the Secretary of Defense, quoted above, for improved mail service. Initial comments were received from Pan American World Airways, Inc. (hereinafter Pan American), Trans World Airlines, Inc. (hereinafter Trans World), and Seaboard

World Airlines, Inc., all of which submitted rebuttal comments. In addition to the staff statement already mentioned, which was submitted as an initial comment, the procedural file also includes a staff statement submitted as a rebuttal comment by the Assistant Director, Division of International Services. Trans World supported the proposed rules on the ground that they provided a clear and uniform basis of administering the dispatch and division of military ordinary mail. This carrier did suggest, however, that paragraphs (a) and (b) of the proposed rules be amended to make clear that the priority of military ordinary mail is equal to, but not greater than, the priority accorded to air freight. The Department believes that the most appropriate method for describing the priority accorded to military ordinary mail is to employ the language in the Civil Aeronautics Board's rate order, which is embodied in proposed paragraph (a). Pan American's initial comment reflected unqualified support for the proposed rules on the ground that: (1) They were responsive to the needs of the Department of Defense; (2) they were reasonable and necessary in maintaining service standards; (3) they would subject the dispatch and division of mail to an objective rule; and, (4) they would minimize the effect of the later canceled flights and thus permit improved local distribution of the mail at destination.

Seaboard World, in its initial comment, alleged that the notice of proposed rule making was procedurally defective since it failed to include "the requisite explanation of the necessity for, and purpose of, the proposed rule changes, and an explanation of exactly how such rule changes are expected by the Post Office Department to improve the transportation of MOM, together with appropriate factual documentation thereof." Since the Administrative Procedure Act's provisions governing rule making notices require only "(1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved," this allegation is considered to be without merit.

The balance of Seaboard World's initial comment was limited to the criticism that the proposed rules would not continue the existence of the present practice of limiting military ordinary mail dispatches to all-cargo schedules, when such service is available. Seaboard World contended that the abandonment of this restriction would be unwarranted because (1) of changed circumstances since the Secretary of Defense's letter of March 20, 1964; (2) the proposed rules would not improve transatlantic military ordinary mail service; (3) lack of an all-cargo restriction would require military ordinary mail to be moved at the higher rate applicable to airmail transportation; (4) the defense capability of the country would be adversely affected; and (5) Seaboard World would sustain a reduction in annual revenues of something in excess of $1 million.

The first changed circumstance alleged by Seaboard World was a vast improvement in transatlantic all-cargo service. This contention is supported by the same data as the contention that adoption of the proposed rules will not improve military ordinary mail service. These contentions are supported by a time-channel argument. Seaboard World divides the day into six 4-hour time channels, contending that, while in 1964 all-cargo flights departed only during the midnight (2301–0300) and the afternoon (1101–1500) time channels, all-cargo schedules now depart during three time channels (2301–0300, 0701–1100, and 1901–2300) in comparison with passenger schedules departing only during two time channels (0701–1100 and 1901–2300).

First, of course, it is not the departure times but the arrival times of scheduled flights which would be significant in the dispatch of military ordinary mail. Second, Seaboard World's presentation is limited only to transatlantic service, whereas the proposed rules would also apply to transpacific and Latin American service, where the time-channel contention, even if valid, would not have the same application. Third, the time-channel argument does not, however, support Seaboard World's contentions. It may very well be that one or more all-cargo schedules depart within a 4-hour time block, but far more passenger schedules depart within the same time block. The proposed rules would permit the Department to select the most expeditious service from all the flights, both all-cargo and passenger, departing within a given 4-hour period. In addition, as disclosed in the rebuttal comment of Pan American, the retention of the all-cargo restriction would deny to military ordinary mail earlier arrival times varying from 1 to 13½ hours if passenger schedules are used. For these reasons, such contentions are deemed to lack merit.

Another changed circumstance which Seaboard World offers as a basis for retaining the all-cargo restriction is the alleged existence of an investigation of military ordinary mail rates being presently conducted by the Civil Aeronautics Board. While it is true that an informal discussion of the military ordinary mail rate level was initiated by staff members of the Board, no formal proceeding has been initiated. In any event, the question of the rate level would have no effect upon the issue of what proposed rules should be adopted for application to the dispatch and division of this mail.

The final changed circumstance cited by Seaboard World is the commencement of a supposed Congressional "investigation of the entire international military mail transportation system, including MOM". The only Congressional action the Department can associate with this allegation is the passage by the House of Representatives of H.R. 13448, relating to Armed Forces mailing privileges. The House Committee on Post Office and Civil Service, in reporting this bill, stated:

> One proposal advanced was that this lower priority military airlift mail should be transported by air with preference to all cargo flights in accordance with a long-established policy of the Department of Defense.[1]

This proposal was not included in H.R. 13448. In view of the provisions in that bill, under which the mail to which it refers would enjoy air transportation only on a space-available basis, the Department cannot accept the contention that the Congress is investigating the air transportation of military ordinary mail which, including as it does official mail matter, enjoys an equal priority with other traffic on the aircraft after passengers and priority mail have been accommodated. The mail to which H.R. 13448 relates would be entitled to air transportation only after all other available traffic of every class had been accommodated, if unused capacity still remained available.

Seaboard World contends that failure to retain the all-cargo restriction would require the Civil Aeronautics Board to equalize rates for military ordinary mail to the level of rates applicable to the transportation of airmail, since the justification for lower rates would no longer exist.

In its order to show cause,[2] which led to the establishment of the military ordinary mail rate for transatlantic service, the Civil Aeronautics Board proposed to establish the present rate, and the conditions which have been described above. In justification, it recited that:

> 2. Petitioning air carriers [including Seaboard World] allege, and their Form 41 reports to the Board tend to confirm, that they normally have capacity available on regularly scheduled flights to accommodate substantial amounts of military mail service.
>
> 3. At least initially, the air carriers performing military mail service will not add flight capacities incident to such service *and the added operating cost in performing such service will therefore be minimal and substantially below the ton-mile rate of 27.3 cents proposed.*[3] (Italics supplied.)

In view of these facts, and the absence of any reference in the relevant rate orders to an all-cargo restriction, the Department cannot accept any contention that adoption of the proposed rules would automatically require Board action to increase military ordinary mail rates, particularly since such mail is on a par with freight in respect to priority of shipment, whereas airmail enjoys priority over all other traffic to be enplaned, including passengers. See 39 CFR 96.47(b).

Seaboard World contends that the defense capability of the country would be adversely affected by adoption of the proposed rules. This contention rests on an argument that there is presently "a severe shortage of all-cargo airlift in the civil augmentation mobilization base". The Department does not possess the expertise and factual data on which to evaluate either the poposed rules or

[1] House of Representatives Rept. No. 1332, to accompany H.R. 13448 (89th Cong., 2d Sess.), p. 4.

[2] Order No. E–15124, in Dockets 11083, 11106, and 11131.

[3] Id. at p. 3.

Seaboard World's contentions as they relate to the defense capability of the country. On this issue, the Department believes that it has no course but to credit the statements of qualified judges of this issue, i.e., officials of the Department of Defense, who have clearly indicated unqualified support for the proposed rules, which implicitly reflects their judgment that the adoption of such rules would not adversely affect the national defense capability of the country.

Finally, Seaboard World contends that the Department cannot abandon the existing all-cargo restriction because this would cause a revenue loss to Seaboard World in excess of $1 million a year. The Postmaster General is not charged with responsibility for the economic well being of air carriers. This function is discharged by the Civil Aeronautics Board. See 49 U.S.C. sec. 1376(b). Mail compensation paid to air carriers by the Department includes no subsidy. See 49 U.S.C. sec. 1376(c). Nevertheless, the Department has considered this allegation, and has determined that there is no basis for such a contention. Under the proposed rules, Seaboard World would be removed from participation in some division situations prevailing at present, according to Seaboard World's published schedules, but would be eligible to participate in other divisions. The Department is satisfied that adoption of the proposed rules would have no substantial impact upon Seaboard World's mail revenues. In any event, the Department has concluded that the probability of an adverse financial effect upon one or more air carriers of rules setting forth equitable principles of dividing mail among competitive flights would not warrant a rejection or modification of such rules which would impair the attainment of expeditious service to the nation's Armed Forces overseas.

On the basis of its consideration of all data, views, and arguments presented in writing, including matters described above, the Department has concluded that the proposed rules, as modified for the reasons explained above, are sound, reasonable and proper; and that their adoption is consistent with a proper discharge of the responsibility of the Postmaster General to provide for the safe and expeditious carriage of military ordinary mail by aircraft.

Therefore, under the authority contained in R.S. 161, as amended (5 U.S.C. 22, 1964 ed.); 39 U.S.C. 501, 6301; and section 405 (a), (d) of the Federal Aviation Act of 1958, 72 Stat. 760, 761 (49 U.S.C. 1375 (a), (d), 1964 ed.), Part 96, Title 39, Code of Federal Regulations is hereby amended to include a new Subpart F as set forth below:

Subpart F—Military Ordinary Mail

§ 96.55 Dispatch and division.

(a) Military ordinary mail may not be dispatched on an aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

(b) Military ordinary mail shall be dispatched by the most expeditious service to the airport of destination to the extent that space is available on a flight under the conditions set forth in paragraph (a) of this section.

(c) Military ordinary mail for competitive points shall be divided equally between competitive flights as nearly as practicable if such flights are scheduled to arrive at the airport of destination within 2 hours of each other. When one carrier operates multiple competitive flights scheduled to arrive at an airport within 2 hours of a competitive flight or flights of another carrier, the military ordinary mail shall be divided equally between air carriers rather than between flights. For each application of these principles the time period of 2 hours shall begin with the first scheduled arrival of a flight or flights not included in an earlier division, whether or not such flight or flights actually carry any military ordinary mail. A divided share of military ordinary mail will not be subject to further division.

(d) Military ordinary mail will be divided on a weight basis which, to the extent practicable, reflects an equitable division of types of such mail having different space requirements.

(e) The use of a flight or flights may be suspended in the event of cancellation, unduly delayed departure, frequent failure of schedule performance, abnormal mail backlog, or other unusual or unanticipated condition which would otherwise delay the dispatch of military ordinary mail or impair the service to be accorded such mail.

The amendment set forth above shall become effective thirty (30) days after publication in the FEDERAL REGISTER. The period of time available prior to this effective date will afford interested air carriers adequate notice of the amendment and an opportunity for the Department to issue appropriate notices and instructions to its field personnel prior to this effective date.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 66-12450; Filed, Nov. 16, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,400 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 16, 1966, through March 27, 1967, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 27, 1967.

JAMES F. GILLETT,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

NOVEMBER 10, 1966.

[F.R. Doc. 66-12443; Filed, Nov. 16, 1966; 8:46 a.m.]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1966, to the close of the North Dakota winter fishing season in March 1967. Fishing during daylight hours only.

(2) The use of minnows, fish, or parts thereof, for bait (except perch eyes) is prohibited north of the Lake Darling Dam. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through the

close of the North Dakota State winter fishing season in March 1967.

JOHN M. DAHL,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak.

NOVEMBER 8, 1966.

[F.R. Doc. 66-12444; Filed, Nov. 16, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

PART 9-2—PROCUREMENT BY FORMAL ADVERTISING

PART 9-3—PROCUREMENT BY NEGOTIATION

PART 9-7—CONTRACT CLAUSES

PART 9-9—PATENTS AND COPYRIGHTS

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

PART 9-16—PROCUREMENT FORMS

Miscellaneous Amendments

1. Section 9-1.105-1, *Publication,* and § 9-1.105-2, *Copies,* are revised to read as follows:

§ 9-1.105-1 Publication.

The AEC Procurement Regulations appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts and Property Management, and are published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate loose-leaf volume form.

§ 9-1.105-2 Copies.

Copies of the AEC Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal Agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

2. Section 9-1.302-1, *General,* is revised to read as follows:

§ 9-1.302-1 General.

Procurement from Government sources. Procurement of certain supplies and services may be effected by orders on Government sources referred to in FPR 1-1.302. It is the policy of the AEC that such methods of procurement be utilized to the fullest extent practicable, in accordance with applicable laws and regulations. Procurement by the AEC under the Economy Act of June 30, 1932, as amended (31 U.S.C. 686), shall conform to the requirements of that Act and applicable regulations of the General Accounting Office. Procedures to be followed in procuring from Government sources are set forth in AECPR 9-5.

3. Section 9-1.305-3, *Deviations from Federal Specifications,* is revised to read as follows:

§ 9-1.305-3 Deviations from Federal Specifications.

Subject to the requirements of FPR 1-1.305-3, Managers of Field Offices, Heads of Divisions and Offices, Headquarters, or their representatives specifically designated for this purpose, may authorize deviations from Federal Specifications in connection with AEC direct procurement. In those cases where use of Federal Specifications are required under § 9-1.305-1 above, information required by FPR 1-1.305-3(b)(5) with respect to deviations shall be forwarded through channels to the Director, Division of Contracts.

§§ 9-1.350-2, 9-1.356 [Deleted]

4. Section 9-1.350-2, *AEC Design Criteria,* and § 9-1.356, *Direct contracting for architect-engineer and construction contracts,* are deleted.

5. Section 9-1.352, *Department of Defense Index of Specifications and Standards,* is revised to read as follows:

§ 9-1.352 Department of Defense Index of Specifications and Standards.

These indexes may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of Specifications and Standards are ordered from the cognizant Military activity developing each particular specification or standard.

6. Section 9-1.507-1, *Form prescribed,* is revised to read as follows:

§ 9-1.507-1 Form prescribed.

Each Standard Form 119 completed in connection with an AEC direct contract, together with other relevant information shall be reviewed by the Office of the General Counsel (or the Office of the Chief Counsel in the field) prior to the initiation of appropriate action. An information copy of each such form, together with a record of action taken, shall be forwarded to the Director, Division of Contracts, Headquarters.

7. Section 9-1.1101, *Procurement of qualified products,* the second paragraph is revised to read as follows:

§ 9-1.1101 Procurement of qualified products.

* * * * *

Whenever procurement of qualified products is to be made by formal advertising, AEC contracting officers shall insert in invitations for bids the provision contained in FPR 1-1.1101(b). This provision may be modified by AEC contracting officers with the advice of Counsel for use in requests for proposals.

8. Section 9-1.5007, *Surety bonds,* is revised to read as follows:

§ 9-1.5007 Surety bonds.

Additional performance bond protection in connection with and consent of surety to change orders and supplemental agreements to fixed-price contracts shall be obtained when they are determined to be appropriate on the basis of AECPR 9-10.

9. Section 9-2.406-4, *Disclosure of mistakes after award,* is revised to read as follows:

§ 9-2.406-4 Disclosure of mistakes after award.

Pursuant to FPR 1-2.406-4(d), the Director, Division of Contracts, Headquarters, is delegated authority to make the determinations under FPR 1-2.406-4. Mistakes in bids after award shall be submitted to the Director, Division of Contracts, Headquarters, accompanied by the data set forth in FPR 1-2.406-4(f).

10. Section 9-3.000-50, *Policy, cost-type contractor procurement,* is revised to read as follows:

§ 9-3.000-50 Policy, cost-type contractor procurement.

The following portions of the Federal Procurement Regulations Part 3 and this AECPR Part 3 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices, in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203.

Section or subpart	*Subject*
FPR:	
1-3.1701(b)(4) and (c).	General requirements for negotiation.
1-3.102	Factors to be considered in negotiating contracts.
1-3.103(b) and (c).	Dissemination of procurement information.
1-3.4 (all)	Types of Contracts.
1-3.601	Purpose.
1-3.602	Policy.
1-3.603	Competition.
1-3.606	Blanket purchase arrangements.
1-3.8 (all)	Price Negotiation Policies and Techniques.
AECPR:	
9-3.103	Dissemination of procurement information.
9-3.4 (all)	Types of Contracts.
9-3.600	Scope of subpart.
9-3.603-2	Data to support small purchases.
9-3.8 (all)	Price Negotiation Policies and Techniques.

§§ 9-3.404-5, 9-3.404-7, 9-3.404-51 [Amended]

11. Section 9-3.404-5, *Prospective price redetermination at a stated time or times during performance;* § 9-3.404-7, *Retroactive price redetermination after completion;* and in § 9-3.404-51, *Fixed-price contracts with provision for redetermination,* paragraph (b) and subparagraph (1) under paragraph (h), the reference is changed from "9-7.5006-34" to "9-7.5007-5".

§ 9-3.604 [Deleted]

12. Section 9-3.604, *Imprest funds (petty cash) method,* is deleted and reserved.

§ 9–3.604–3 [Deleted]

13. Section 9–3.604–3, *Agency responsibilities,* is deleted.

14. Section 9–3.804, *Conduct of negotiations,* paragraph (b) is revised to read as follows:

§ 9–3.804 Conduct of negotiations.

* * * * *

(b) Preliminary information as to prior contract actions, if any, and AEC offices involved, as reported on Form AEC 328, can generally be obtained from Headquarters. Inquiries in this regard should be addressed to the Director, Division of Contracts, Atomic Energy Commission, Washington, D.C. 20545.

15. Section 9–3.805, *Selection of offerors for negotiation and award,* paragraph (a) is revised to read as follows:

§ 9–3.805 Selection of offerors for negotiation and award.

(a) As indicated in FPR 1–3.805–1, the procedures set forth in paragraphs (a), (b), (c), and (d) of § 1–3.805–1 may not be applicable in certain cases. See AECPR 9–56 for specific instructions to be followed for selection of contractors by board process.

* * * * *

16. Section 9–3.805–50, *Negotiation of architect - engineer and cost - plus - a - fixed-fee contracts,* paragraph (b), *Conclusion of negotiations,* is revised to read as follows:

§ 9–3.805–50 Negotiation of architect-engineer and cost-plus-a-fixed-fee contracts.

* * * * *

(b) *Conclusion of negotiations.* Negotiations relative to contract and fee shall be concluded at as early a date as possible. When the information required by paragraph (a) of this section has been obtained, reviewed, and revised to the extent necessary, and mutually acceptable terms of contract, estimate of cost, and estimate of time of performance have been agreed to, the fixed fee should be negotiated. Except as indicated in AECPR § 9–3.408(b), negotiations relative to the fee shall be successfully concluded prior to making commitment on final selection. A complete record shall be maintained of all matters agreed to during negotiations. Should it be evident in the course of negotiations that no hope exists for a meeting of the minds within the previously determined maximum allowable (ceiling) fee, then consideration should be given to terminating negotiations and entering into a similar action with the next best qualified contractor. On conclusion of the foregoing steps, the formal contract should be prepared and executed by the parties, subject to the limitations in delegated authority and AEC requirements for Headquarters consideration of contract actions.

17. Section 9–3.807–1, *General,* is revised to read as follows:

§ 9–3.807–1 General.

FPR 1–3.807–1(b)(1)(ii)(C) provides that price competition may not be presumed to be adequate even though conditions (A) through (D) in 1–3.807–1(b)(1)(i) are met when the lowest final price is not reasonable and the contracting officer supports such finding by an enumeration of the facts upon which it is based. This situation is likely to exist when complex nonstandard items are being procured competitively, since cost experience necessary to close pricing is usually not available and the quoted prices include significant cost projections as well as provisions for contingency. Accordingly, it is particularly important in such procurement to perform thorough price analysis in order to establish that the proposed price is reasonable and that, therefore, cost analysis is not required.

18. Section 9–3.807–50, *Justification and documentation of procurement actions,* is revised to read as follows:

§ 9–3.807–50 Justification and documentation of procurement actions.

The justification for negotiated procurements (see AECPR § 9–55.102) shall include an explanation of why cost or pricing data was or was not required, and if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation.

19. Section 9–3.808–51, *Limitation on profits and fees,* paragraph (c) is revised to read as follows:

§ 9–3.808–51 Limitation on profits and fees.

* * * * *

(c) The profit included in hourly rates for time and material contracts should be held to a reasonable level. No profit shall be allowed on materials (see FPR 1–3.406–1). Time and material contracts providing for a profit in excess of 10 percent of the estimated cost exclusive of material cost shall be submitted to the Field Office Managers concerned for approval. These limitations are consistent with the normal risk attached to this method of contracting.

20. Section 9–7.5006–1, *Accounts, records and inspection* paragraphs (d), *Disposition of records,* are revised to read as follows:

§ 9–7.5006–1 Accounts, records and inspection.

* * * * *

(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing costs allowable and revenues and other applicable credits under this contract, shall be the property of the Government, and shall be delivered to the Government or otherwise disposed of by the contractor either as the Contracting Officer may from time to time direct during the progress of the work or, in any event, as the Contracting Officer shall direct upon completion or termination of this contract and final audit of all accounts hereunder. All other records in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor.

NOTE: Delete paragraph (d) and substitute the following if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC:

"(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents and other data evidencing costs allowable and revenues and other applicable credits under this contract in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor."

21. Section 9–9.5013, *Foreign patent rights,* is revised to read as follows:

§ 9–9.5013 Foreign patent rights.

Under the contract articles set forth in AECPR § 9–9.5003 through § 9–9.5005, AEC has the right to determine whether and where a patent application shall be filed. AEC thereby is in a position subject to AECPR § 9–9.5006(b) to comply with Executive Order 9865 of June 14, 1947, which requires all Government agencies, wherever practicable, to acquire the right to file foreign patent applications or inventions resulting from research conducted by the Government.

22. Section 9–9.5103, *Rights in copyrightable material under contracts,* paragraphs (d)(2) and (e)(2) are revised to read as follows:

§ 9–9.5103 Rights in copyrightable material under contracts.

* * * * *

(d) * * *

COPYRIGHT

* * * * *

(2) The contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1)(ii) hereof, or without the consent of the copyright owner, unless specific written approval of the contracting officer to the inclusion of such copyrighted material is secured.

* * * * *

(e) * * *

COPYRIGHT

* * * * *

(2) The contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1)(ii) hereof, or without the consent of the copyright owner, unless specific written approval of the contracting officer to the inclusion of such copyrighted material is secured.

* * * * *

23. Section 9–15.000–50, *Policy, cost-type contractor procurement,* is revised to read as follows:

§ 9–15.000–50 Policy, cost-type contractor procurement.

The following subpart of FPR 1–15 and this AECPR 9–15 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9–1.5203:

Subpart or part	*Subject*
FPR 1–15.3	Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Educational Institutions.
AECPR 9-15	Contract Cost Principles and Procedures.

24. Section 9–15.5010–8, *Severance pay*, the unlettered paragraph after paragraph (b) is revised to read as follows:

§ 9–15.5010–8 Severance pay.

* * * * *

(b) * * *

It will usually be acceptable to apportion severance payments on the basis of the ratio of total severance payments to a suitable base for the period established pursuant to (a) or (b) above, such as payrolls of all employees, direct salaries and wages, etc. The rate so determined shall be applied to the corresponding element of cost on the individual contracts. The rate should be determined on the basis of the operations of individual activities or other organizational units, such as departments, where such separate computations effect more accurate and equitable results. Severance pay should ordinarily not be considered as directly applicable to any particular contract or contracts. The foregoing applies to cost-type supply and research contracts with commercial organizations. The subject of serverance pay with reference to educational institutions is discussed in FPR 1–15.309–36.

25. Section 9–16.5002–4, *Outline of a cost-plus-a-fixed-fee construction contract, Article XXII—Labor*, is revised to read as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXII—Labor.

(a) *Davis-Bacon Act (Act of Mar. 3, 1931, as amended; 40 U.S.C. 276a and following)*—Insert contract clause set forth in Standard Form 19A with the modification necessary if AECPR § 9–12.103–51 applies.

(NOTE: This clause includes provisions required by regulations of the Department of Labor. Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 687 as amended) and Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430) as amended.)

(b) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in Standard Form 19A with the modification necessary if AECPR § 9–12.103–51 applies.

(c) *Apprentices*—Insert contract clause set forth in Standard Form 19A.

(d) *Payrolls and payroll records.* Insert contract clause set forth in Standard Form 19A.

(e) *Compliance with Copeland Regulations.* Insert contract clause set forth in Standard Form 19A.

(f) *Withholding of funds.* Insert contract clause set forth in Standard Form 19A.

(g) *Subcontracts.* Insert contract clause set forth in Standard Form 19A.

(h) *Equal opportunity.* Insert contract clause set forth in FPR 1–7.101–18.

(i) *Convict labor.* Insert contract clause set forth in FPR 1–12.203.

(j) *Contract termination—Debarment.* Insert contract clause set forth in Standard Form 19A.

* * * * *

26. In § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions, Article B–4—Accounts, Records, Inspection and Reports*, paragraph (d), *Disposition of records*, is revised to read as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B–4—ACCOUNTS, RECORDS, INSPECTION AND REPORTS

* * * * *

(d) *Disposition of records.* Except as agreed upon by the Government and the Contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing cost allowable and revenues and other applicable credits under this contract in the possession of the Contractor relating to this contract shall be preserved by the Contractor for a period of three (3) years after final payment under this contract or otherwise disposed of in such manner as may be agreed upon by the Government and the Contractor.

* * * * *

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of November 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 66–12425; Filed, Nov. 16, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Applications and Experience Reporting; Extension of Time for Filing Comments on Proposal

The Commissioner of Food and Drugs has received requests to extend the time for filing comments on a notice published in the FEDERAL REGISTER of October 14, 1966 (31 F.R. 13347), proposing certain amendments to the new-drug regulations (21 CFR Part 130) regarding the new-drug application form and drug experience reporting. The proposal provided a period of 30 days for filing comments. Good reason therefor appearing, the time for filing comments on the subject proposal is extended to December 13, 1966.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: November 9, 1966.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 66-12466; Filed, Nov. 16, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-86]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Iron Mountain, Mich., terminal area.

The Iron Mountain, Mich., control zone is presently designated as follows:

Within a 5-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°49'00" N., longitude 88°07'00" W.); and within 2 miles each side of the Iron Mountain VOR 142° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 8 miles S of the airport; and within 2 miles each side of the 276° bearing from Ford Airport extending from the 5-mile radius zone to 8 miles W of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

The Iron Mountain, Mich. transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°49'00" N., longitude 88°07'00" W.); and within 5 miles NE and 8 miles SW of the Iron Mountain VOR 142° radial extending from the VOR to 12 miles SE of the VOR; and within 5 miles W and 8 miles E of the 182° bearing from Ford Airport, extending from the airport to 12 miles S of the airport; and within 5 miles N and 8 miles S of the 276° bearing from Ford Airport, extending from the airport to 12 miles W of the airport.

A new public instrument approach procedure has been developed for the Ford Airport, Iron Mountain, Mich., and the VOR Runway 31 approach procedure at this airport has been altered by one degree. In addition, the Ford Airport coordinates have been modified slightly. As a result, and having completed a comprehensive review of airspace requirements at Iron Mountain, Mich., the Federal Aviation Agency proposes to alter the control zone and transition area at Iron Mountain, Mich., as follows:

(1) Redesignate the Iron Mountain, Mich., control zone as that airspace within a 5-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°48'55" N., longitude 88°07'00" W.) and within 2 miles each side of the Iron Mountain VOR 141° and 193° radials extending from the 5-mile radius zone to 8 miles SE and S of the VOR; and within 2 miles each side of the 182° and 276° bearings from Ford Airport extending from the 5-mile radius zone to 8 miles S and W of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Redesignate the Iron Mountain, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°48'55" N., longitude 88°07'00" W.); and within 5 miles NE and 8 miles SW of the Iron Mountain VOR 141° radial, within 5 miles W and 8 miles E of the VOR 193° radial extending from the VOR to 12 miles SE and S of the VOR; and within 5 miles W and 8 miles E of the 182° bearing from Ford Airport, within 5 miles N and 8 miles S of the 276° bearing from Ford Airport extending from the airport to 12 miles S and W of the airport.

During the times the proposed altered control zone is in effect, it will provide controlled airspace protection for aircraft executing the prescribed instrument approach and departure procedures during descent below 1,000 feet above the surface and during climb to 700 feet above the surface.

The control zone will continue to be effective during the hours that North Central Airlines provides weather observations and dissemination of weather information, presently from 0800 to 2100 hours, local times daily. In the event of airline schedule changes, these hours may vary. When this occurs, notice will be given prior to any change by a Notice to Airmen and continuously published in the Airman's Information Manual.

The proposed transition area will provide controlled airspace protection for departing aircraft in their climb from 700 to 1,200 feet above the surface. It will also provide protection for aircraft executing the prescribed instrument approach procedures during descent to 1,000 feet above the surface, when the control zone is in effect, and during descent to 700 feet above the surface when the control zone is not in effect.

The floors of the airways that will traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Specific details of this proposal and any instrument approach procedures which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 31, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-12437; Filed, Nov. 16, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SW-25]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would raise the floor on the segment of V-17 between McAllen, Tex., and Laredo, Tex., as follows: "From McAllen to 29 miles northwest, 1,200 feet AGL; from that point, 34 miles at 2,500 feet MSL; thence 1,200 feet AGL to Laredo."

The 1,200 feet AGL floor NW of McAllen is required for climb to minimum en route altitude. The 1,200 feet AGL segment SE of Laredo is proposed for aeronautical chart legibility as a floor of 500 feet below the minimum en route altitude would provide a negligible amount of additional uncontrolled airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 9, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12438; Filed, Nov. 16, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-83]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., transition area.

The Birmingham transition area, described in § 71.181 (31 F.R. 2149 and 7559), would be altered by redesignating the 700-foot portion as:

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Birmingham Municipal Airport radar antenna site (latitude 33°34'24" N., longitude 86°45'25" W.).

The portion of the transition area extending upward from 1,200 feet above the surface would not be changed.

The proposed amendment would provide additional controlled airspace required for the protection of IFR aircraft departing Birmingham Municipal Airport during climb from 700 to 1,200 feet above the surface, and for aircraft being radar vectored at and above 1,000 feet above the surface. Additionally, the amended transition area would provide for the protection of aircraft executing published instrument approach procedures during descent from 1,500 to 1,000 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 4, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-12439; Filed, Nov. 16, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-84]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Wisconsin Rapids, Wis., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Wisconsin Rapids, Wis., terminal area, as a result of the development of a public-use instrument approach procedure utilizing an "H" facility at the Alexander Field-South Wood County Airport as a navigational aid, proposes the following airspace action:

Designate the Wisconsin Rapids, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexander Field-South Wood County Airport (latitude 44°21'42" N., longitude 89°50'15" W.), and within 2 miles each side of the 191° bearing from Alexander Field-South Wood County Airport, extending from the 6-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 9 miles E of the 101° and 281° bearings from Alexander Field-South Wood County Airport extending from 7 miles N to 14 miles S of the airport.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing prescribed instrument approach and departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 1,200 foot floor transition area will provide controlled airspace protection for that portion of the instrument approach procedure executed at and above 1,500 feet above the surface. It will also provide this protection for the holding pattern at Wisconsin Rapids and for transitions from Stevens Point VOR and Victor Airway No. 255.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floor of the portion of the airway that would traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Specific details of this proposal and the approach procedure for which it was developed may be obtained by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data,

views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 31, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-12440; Filed, Nov. 16, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-83]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

The Federal Aviation Agency (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 260 north alternate segment between Charleston, W. Va., and Rainelle, W. Va.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to revoke this north alternate segment of V-260 as it has been determined that it is no longer required for air traffic control purposes. The latest FAA peak day en route traffic survey showed only one aircraft movement on this alternate airway segment, therefore, it appears that V-260 north alternate segment from Charleston to Rainelle is unjustified as a continued assignment of controlled airspace.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 9, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12441; Filed, Nov. 16, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–b]

CAST IRON SOIL PIPE AND FITTINGS FROM POLAND

Withholding of Appraisement Notice

NOVEMBER 10, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the constructed value of cast iron soil pipe and fittings imported from Poland as defined by sections 203 and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 165).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of cast iron soil pipe and fittings imported from Poland. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on November 3, 1965. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 15108 of the FEDERAL REGISTER of December 7, 1965, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66–12455; Filed, Nov. 16, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Redelegation to Area Managers; Authority in General

In accordance with Bureau Order No. 701 of July 23, 1964, as amended, the Area Managers of the West Hurricane-Virgin and East Hurricane-Fredonia Resource Areas are redelegated the authority given to the Arizona Strip (St. George, Utah office) District Manager in Part III of the above order with the limitations and exceptions listed below:

Signing authority is not redelegated for land classifications, contracts, personnel actions or adverse decisions concerning the use of public lands. This restriction does not apply to trespass action.

The Area Managers have fiscal responsibility for their areas within the framework of the approved Annual Work Plan. Purchasing authority is limited to emergency purchases as specified in Bureau Manual 1510.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213–1, District Office Authority and Responsibility Guides.

This order will become effective upon publication in the FEDERAL REGISTER.

Dated: November 15, 1966.

VIRGIL L. HART,
District Manager.

Approved:

FRED J. WEILER,
State Director.

[F.R. Doc. 66–12445; Filed, Nov. 16, 1966; 8:46 a.m.]

[Serial No. N–279]

NEVADA

Notice of Proposed Classification of Public Lands

NOVEMBER 8, 1966.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands below for retention for multiple use management. Publication of this notice segregates (a) all the public lands described in this notice from appropriation under the homestead, desert land, and Indian allotment laws (43 U.S.C., Chapter 7, 43 U.S.C., Chapter 9, and 25 U.S.C. 331); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); from exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g); from lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); from lease or sale under the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682a), and (b) the lands described in paragraph 4 of this notice from the mining laws.

2. The public lands proposed for classification are located within the Eastgate Hydrological Study Area and are shown on maps, designated as N–279, which are on file in the Carson City District Office, 807 North Plaza Street, Carson City, Nev., and the Land Office, Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev.

3. The lands involved are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 35 E., unsurveyed,
Sec. 1.
T. 17 N., R. 35 E.,
Secs. 25, 36.
T. 15 N., R. 36 E., unsurveyed,
Secs. 1, 2, 12.
T. 16 N., R. 36 E., unsurveyed,
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 17 N., R. 36 E.,
Secs. 1 to 24, inclusive;
Sec. 25, N½, SE¼;
Sec. 26, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 27;
Sec. 28, N½, N½S½, SE¼SW¼, S½SE¼;
Secs. 29, 30, 31;
Sec. 32, NE¼NE¼, W½E½, W½, E½SE¼;
Secs. 33 to 36, inclusive.
T. 18 N., R. 36 E., unsurveyed,
Secs. 1 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 N., R. 36 E.,
Sec. 15;
Secs. 20 to 23, inclusive;
Secs. 25 to 29, inclusive;
Secs. 32 to 35, inclusive.
T. 15 N., R. 37 E., unsurveyed,
Secs. 1 to 10, inclusive;
Secs. 11, 12, 14, lying within Churchill County;
Secs. 15 to 18, inclusive;
Sec. 21;
Secs. 22, 23, lying within Churchill County.
T. 16 N., R. 37 E., unsurveyed.
T. 17 N., R. 37 E., unsurveyed,
Sec. 1, lying within Churchill County;
Secs. 2 to 11, inclusive;
Secs. 12, 13, lying within Churchill County;
Secs. 14 to 36, inclusive.
T. 18 N., R. 37 E.,
Secs. 7, 18, 19;
Sec. 20, N½NE¼, SE¼NE¼, W½, S½SE¼, NE¼SE¼;
Secs. 23 to 36, inclusive.
T. 15 N., R. 38 E.,
Secs. 6, 7, lying within Churchill County.
T. 16 N., R. 38 E.,
Secs. 5, 6, lying within Churchill County;
Sec. 7;
Secs. 8, 16, 17, lying within Churchill County;
Sec. 18;
Sec. 19, NE¼NE¼, N½N½SE¼NE¼, W½E½, W½, S½NE¼SE¼, SE¼SE¼;
Secs. 29, 21, 29, lying within Churchill County.
Sec. 30;
Secs. 31, 32, lying within Churchill County.
T. 17 N., R. 38 E., unsurveyed,
Secs. 20, 21, 29, lying within Churchill County;
T. 18 N., R. 38 E., partially unsurveyed,
Sec. 30;
Sec. 31, lying within Churchill County.

The area described above aggregates approximately 156,000 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 37 E.,
Sec. 3, NW¼NW¼.
T. 18 N., R. 37 E.,
Sec. 29, S½NE¼SW¼, N½SE¼SW¼;
Sec. 30, NE¼SE¼;
Sec. 33, S½NW¼.

The area described above aggregates approximately 200 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objection in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 807 North Plaza Street, Carson City, Nev.

6. A public hearing on the proposed classification will be held on November 28, 1966, at 10 a.m., in the Churchill County Courthouse, Fallon, Nev.

Nolan F. Keil,
State Director, Nevada.

By: MARTIN W. BUZAN,
Acting State Director.

[F.R. Doc. 66-12446; Filed, Nov. 16, 1966; 8:46 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple Use Management

NOVEMBER 9, 1966.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within Las Cruces District Planning Units No. 3-01 through 3-10, more generally described below together with any lands therein that may become public lands in the future. Publication of this notice segregates the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from public sales under section 2455 R.S. (43 U.S.C. sec. 1171).

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Cruces District Manager, Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001.

A public hearing on the proposed classification will be held on December 13, 1966, at 10 a.m., at the Las Cruces District Office, 1705 North Seventh Street, Las Cruces, N. Mex.

The lands proposed to be classified are within the general area located as follows:

Unit 03-01 is bounded on the west by the Arizona State line, on the north by the Gila National Forest, on the east by a line extending north and south from a point 10 miles due east of Lordsburg, N. Mex., and on the south by the north line of T. 30 S.

Unit 03-02 is generally bounded on the south by the Republic of Mexico, on the west by the Playas Valley, on the north by U.S. Highway 70-80 and on the east by State Highway 11.

Unit 03-03 is divided into two segments. The north segment is generally the Cooks Mountain Range which is centered 15 miles north of the city of Deming. The south segment is an area south of U.S. Highway 70-80, generally the Florida Mountain Range which is centered approximately 15 miles southeast of the city of Deming.

Unit 03-04 is bounded on the south by Mexico, on the west by the range line between Rs. 5 and 6 W., on the north by U.S. Highway 70-80 and on the east by the Mesilla Valley.

Unit 03-05 is bounded on the east by the Rio Grande Valley, on the south by U.S. Highway 70-80, on the west by a line running north and south through a point 18 miles east of Deming, N. Mex., and on the north by State Highway 26.

Unit 03-06 is generally bounded on the east by the Rio Grande Valley, on the south by State Highway 26, on the west by an irregular line generally the range line between Rs. 6 and 7 W., on the north by the Cibola National Forest and follows the north line of the District boundary.

Unit 03-07 is generally bounded on the east by White Sands Missile Range, on the south by the Jornada Range Experiment Station, on the west by the Rio Grande Valley and on the north by the Armendariz Grant No. 33.

Unit 03-08 is generally bounded on the east by White Sands Missile Range, on the south by the Texas State line, on the west by the Dona Ana Land Grant and on the north by the Jornada Range Experiment Station.

Unit 03-09 is in two parcels divided by the McGregor Range. The north parcel is bounded on the west by White Sands Missile Range, on the south and east by the McGregor Range, and on the north by U.S. Highway 70. The southern parcel is bounded on the east by the Sacramento Division of the Lincoln National Forest, and on the south by the Texas State line, on the west by the McGregor Range and on the north by the Sacramento Division of the Lincoln National Forest and the district boundary.

Unit 03-10 is bounded on the east generally by the Sacramento Division of the Lincoln National Forest, the Mescalero Apache Indian Reservation and an irregular line running northwest and north from near the northwest corner of the Mescalero Reservation to a point in T. 3 S., R. 10 E. The north boundary is the south line of the Cibola National Forest and across T. 3 S., Rs. 8, 9, and 10 E. The south boundary is the south line of T. 15 S. and on the west by White Sands Missile Range.

The lands proposed to be classified are shown in detail on resource area maps designated 30-03-01, 30-03-02 and 30-03-03 on file in the Las Cruces District Office and at the Bureau of Land Management Office in Santa Fe, N. Mex.

The public lands in the areas described aggregate approximately 4,408,446 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-12447; Filed, Nov. 16, 1966; 8:46 a.m.]

[N-293]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 10, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for the construction and operation of a VHF/UHF Air to Ground Communications Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 4 N., R. 68 E.,
Sec. 6, lots 1, 2, S½NE¼.

The area described contains 161.35 acres.

Daniel P. Baker,
Manager.

By: ROBERT T. WEBB,
Acting Manager.

[F.R. Doc. 66-12448; Filed, Nov. 16, 1966; 8:47 a.m.]

[N-300]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 10, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for the continued operation and maintenance of an existing Air Route Surveillance Radar Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 29 N., R. 45 E.,
Sec. 12, NW¼.

The area described contains 160 acres.

Daniel P. Baker,
Manager.

By: ROBERT T. WEBB,
Acting Manager.

[F.R. Doc. 66–12452; Filed, Nov. 16, 1966; 8:47 a.m.]

[N-294]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 10, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for a clear zone to protect the proper operation of the existing Mount Wilson VORTAC site which is located on private land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 5 N., R. 68 E.,
Sec. 32, W½W½.

The area described contains 160 acres.

Daniel P. Baker,
Manager.

By: ROBERT T. WEBB,
Acting Manager.

[F.R. Doc. 66–12471; Filed, Nov. 16, 1966; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

SOUTH MISSISSIPPI LIVESTOCK MARKET ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

South Mississippi Livestock Market, Hattiesburg, Miss.
Boone Livestock Market, Boone, N.C.
Cookeville Livestock Company, Inc., Cookeville, Tenn.
Havard's Horse Sale, Nacogdoches, Tex.
Jacksonville Livestock Commission, Jacksonville, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of November 1966.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66–12426; Filed, Nov. 16, 1966; 8:45 a.m.]

FRESH PEACHES GROWN IN GEORGIA

Order for Referendum

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be

conducted among the growers who, during the calendar year 1966 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. M. F. Miller of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, Fla. 33802, is designated as the referendum agent to conduct said referendum.

The procedure for the conduct of the referendum shall be the procedure (30 F.R. 15414) for the conduct of referenda regarding marketing orders for fruits, vegetables, and nuts.

Dated: November 14, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12467; Filed, Nov. 16, 1966; 8:48 a.m.]

Office of the Secretary

GEORGIA AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Georgia and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Baker.	Mitchell.
Calhoun.	Montgomery.
Carroll.	Murray.
Chattooga.	Polk.
Clay.	Quitman.
Dougherty.	Randolph.
Early.	Schley.
Emanuel.	Seminole.
Floyd.	Stewart.
Gordon.	Sumter.
Haralson.	Taylor.
Heard.	Telfair.
Houston.	Terrell.
Jenkins.	Toombs.
Liberty.	Treutlen.
Long.	Webster.
Macon.	Wheeler.
Marion.	Whitfield.
Miller.	

NORTH CAROLINA

Craven.	Jones.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of November, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-12427; Filed, Nov. 16, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CORVEL, INC.

Notice of Withdrawal of Petition for Food Additives Dihydrostreptomycin and Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Corvel, Inc., a subsidiary of Eli Lilly & Co., 1124 Harney Street, Omaha, Nebr. 68102, has withdrawn its petition (FAP 5C1564), notice of which was published in the FEDERAL REGISTER of October 14, 1965 (30 F.R. 13103), proposing that § 121.217 *Tylosin* be amended to provide for the safe use of a bolus containing dihydrostreptomycin and tylosin for the treatment of scours in calves.

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 8, 1966.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 66-12464; Filed, Nov. 16, 1966; 8:48 a.m.]

[Docket No. FDC-D-97; NDA No. 31-406V]

CENTRAL SOYA CO.

Master Mix Broiler Concentrate "A" 377A-13C; Notice of Opportunity for Hearing

Notice is hereby given to Central Soya Co., McMillan Feed Division, Fort Wayne, Ind. 46802, that in the matter of the supplement dated February 15, 1965, to new-drug application No. 31-406V, and subsequently amended, providing for production and direct marketing to consumers of Master Mix Broiler Concentrate "A" 337A-13C (0.0175 percent dienestrol diacetate), the Commissioner proposes to refuse to approve the supplement under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 505(d)) on the ground that:

On the basis of the information submitted to the Food and Drug Administration as part of the supplemental application, the application does not contain tissue residue studies by methods reasonably applicable to assure safe use of the drug if it is fed directly without the recommended dilution, and there is insufficient information to determine whether the drug will be safe for use under the conditions proposed. Specifically the tissue residue data submitted or otherwise available are insufficient to demonstrate that, if the drug is fed as the sole ration to chickens in the concentration marketed, it will not result in unsafe residues of the drug of metabolites of the drug in edible tissues of the animals.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Part 130, Title 21, Code of Federal Regulations, the Commissioner will give the applicant named above an opportunity for a hearing at which time the applicant may produce evidence and arguments on the question of whether the subject supplement dated February 15, 1965, received February 19, 1965, as amended, is approvable.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail itself of the opportunity for a hearing; or
2. Not to avail itself of the opportunity for a hearing.

If the applicant elects not to avail itself of the opportunity for a hearing, the Commissioner without further notice will enter a final order refusing to approve the supplemental application. Failure of the applicant to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by the applicant not to avail itself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the applicant specifies otherwise in his appearance.

If the applicant elects to avail itself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: November 7, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-12465; Filed, Nov. 16, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-102-B]

NATIONAL COAL POLICY CONFERENCE, INC., ET AL.

Filing of Petition for Rule Making

Notice is hereby given that the National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.; the

National Coal Association, 1130 17th Street NW., Washington, D.C.; and the United Mine Workers of America, 900 15th Street NW., Washington, D.C.; have filed a petition, dated October 14, 1966, requesting that the Commission issue a rule pursuant to section 102 of the Atomic Energy Act of 1954, as amended, finding that boiling light water reactors and pressurized light water reactors are types of utilization or production facilities that have been sufficiently developed to be of practical value for industrial or commercial purposes.

The petition also requests that the Commission (1) publish a notice of proposed rule making, setting forth the terms of the rule requested, (2) set the matter down for public hearing, and (3) accord the petitioners certain procedural rights in connection with the hearing.

A copy of the petition is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 14th day of November 1966.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 66-12462; Filed, Nov. 16, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17672]

CATHAY PACIFIC AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 21, 1966, at 9:15 a.m., e.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 14, 1966.

[SEAL] Joseph L. Fitzmaurice,
Hearing Examiner.

[F.R. Doc. 66-12459; Filed, Nov. 16, 1966; 8:47 a.m.]

[Docket No. 17930; Order No. E-24393]

TRANS WORLD AIRLINES, INC.

Order of Investigation; Reduced Westbound Transatlantic Rate for Multicharter Cargo Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th Day of November, 1966.

By tariff revision filed September 19, 1966, and effective October 19, 1966, Trans World Airlines, Inc. (TWA), established a charter rate of $3.50 per charter statute mile for westbound transatlantic flights of cargo in B-707-373C/331C aircraft. This rate applies to 10 or more cargo charters by the same charterer from any point in Europe to any point in the continental United States during the period October 19, 1966, through December 31, 1967, inclusive. The charterer is required to execute a single charter flight agreement prior to the first flight: *Providing,* That, if fewer than 10 charter flights are flown during the foregoing period, the rate for each flight flown will be the charge for single charters, $4.25 per charter statute mile.

The charge for ferry service is $2.65 per statute mile. The ferry charge is the same for both single and multicharter services.

A complaint requesting rejection or suspension of TWA's filing was submitted by the Flying Tiger Line, Inc. (Tiger).[1] This complaint claims that the tariff fails to meet the requirements of the Board's tariff filing regulations in that (1) no provision is made in case of failure by the charterer to use all of the 10 flights and (2) the rate is allegedly not stated clearly and explicitly since it is based on a combination of miles and number of charters. Tiger also declares that if the charterer is obliged to pay for 10 charters, the tariff contains one of the elements of blocked-space tariffs (which combination carriers are not authorized to file), viz, a guarantee of a certain number of shipments within a given time period. Finally, the carrier states that the tariff is discriminatory since no data showing cost savings have been submitted.

In its answer to Tiger's complaint, TWA declares that the tariff clearly indicates the rate applicable if fewer than 10 charters are used, that the tariff is totally different from a blocked-space tariff, that the principle of a reduced rate in the direction opposite to the predominant traffic flow for charters has been approved by the Board, and that the proposal will result in obtaining traffic now moving via ocean vessel. TWA claims that no discrimination exists since the requirement of a minimum of 10 flights will facilitate operational and related planning, reduce administrative costs in handling charter arrangements, and decrease dilution of existing charter revenues. The carrier also asserts that Tiger does not provide transatlantic scheduled service or show any adverse financial impact because of the filing.

Upon consideration of all relevant factors, the Board finds that TWA's rate may be unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be investigated. The rate involves a lower charge per charter mile for 10 or more charter flights than is in effect for single charter flights without any adequate support therefor. The only cost justification presented by TWA for the lower 10 charter rate is the statement that certain costs will be reduced as compared to a single charter rate but no data are presented to show a basis for this alleged cost reduction. We do not consider this statement sufficient in view of the inherent discrimination issue involved in a rate lower for an aggregate of a number of separate transactions. The proposal obviously prejudices users of charters below 10 in number and prefers users of 10 charters or more. The prejudice and preference are aggravated by the fact that the reduced rate is applicable to charters from any point in Europe to any point in the United States. Thus, the rate for two charters from London to New York, for example, would be different if one of them was used by a charterer who had signed an agreement to use nine additional charters from European points to U.S. points regardless of the points involved. The preference and prejudice have not been justified.

Inasmuch as the transportation involved is in foreign air transportation, the Board was not authorized to suspend the tariff revision when proposed. Nor was there a valid basis for rejecting the tariff for not complying with our tariff publication rules. The tariff is significantly different from blocked-space tariffs. Consequently, the Board permitted the rate to become effective, but is setting it for investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule 2(G)(2) on Original Page 4-B and 13th Revised Page 5, and the charter rates in section IV, paragraph (B)(2)(b), on 24th Revised Page 25, of Trans World Airlines, Inc.'s tariff CAB No. 13, including subsequent revisions and reissues thereof, and rules, regulations, or practices affecting such rates and provisions, are, or will be, unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to alter the same to the extent necessary to correct such discrimination, preference or prejudice and to order the carrier to discontinue demanding, collecting, or receiving any such discriminatory, preferential, or prejudicial rates or enforcing any such discriminatory, preferential, or prejudicial rule, regulation, or practice.

2. The complaint of the Flying Tiger Line, Inc., in Docket 17587 is dismissed except to the extent granted herein; and

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Harold R. Sanderson,
Secretary.

[F.R. Doc. 66-12460; Filed, Nov. 16, 1966; 8:47 a.m.]

[1] This complaint related to an earlier tariff involving the same provisions, which was rejected for technical reasons. Inasmuch as the current tariff is identical in substance, the Board will consider the complaint as directed to the current filing.

[Docket No. 17719]

UNION SPEDITIONS-GESELLSCHAFT m.b.H.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 15, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 27, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 10, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-12461; Filed, Nov. 16, 1966; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Assistant to General Traffic Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9595, between American President Lines, Ltd. and Sea-Land Service, Inc., provides for the establishment of a through billing arrangement between the parties for the movement of general cargo from ports in Puerto Rico to ports in South Viet Nam with transshipment at New York, N.Y., and Baltimore, Md., in accordance with the terms and conditions set forth in the agreement.

Dated: November 14, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12468; Filed, Nov. 14, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 1044]

DORANCO, INC.

Revocation of License

Whereas, Doranco, Inc., Pier 2, Berth 54, Long Beach, Calif. 90802, has ceased to operate as an independent ocean freight forwarder; and

Whereas, Doranco, Inc. has returned its Independent Ocean Freight Forwarder License No. 1044 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 1044 of Doranco, Inc. be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-12469; Filed, Nov. 16, 1966; 8:49 a.m.]

GEORGE CO. ET AL.

Independent Ocean Freight Forwarder Licenses and Applications Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

LICENSEES

George Co. (George Leslie Miller, d.b.a.), Pier A, Berth 7, Long Beach, Calif. 90802; License No. 1039, canceled October 5, 1966.

Church Purchasing & Service Agency (Charles A. Pinkham, d.b.a.), 417 Market Street, San Francisco, Calif.; License No. 302, canceled October 11, 1966.

Afro-Asian Forwarding Co., Inc., 20 Pearl Street, New York, N.Y. 10004; License No. 473, canceled October 20, 1966.

Patrick & Graves (L. H. Graves, d.b.a.), 3611 Gulf Freeway, Post Office Box 578, Houston, Tex.; License No. 1020, canceled October 27, 1966.

Dixie Forwarding Co., Inc., 3611 Gulf Freeway, Post Office Box 578, Houston, Tex.; License No. 1019, canceled October 27, 1966.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANT

Kenai Peninsula Public Utility District No. 1, City of Homer, Post Office Box 335; Application No. 68, dismissed October 4, 1966.

NEW APPLICANT

Gollott's Freight Forwarding Co., 1255 Caillavet Street, Post Office Box 468, Biloxi, Miss. 39530; Application dismissed October 3, 1966.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGE

Hilton & Son, Inc., 26 Beaver Street, New York, N.Y. 10004; License No. 45.

CHANGE OF OFFICERS

A. J. DeMay & Co., Inc., 28 Water Street, New York, N.Y.; License No. 833; Carole M. Rozniak, president, Jane B. Macchione, vice president and treasurer, Dominic Riviello, assistant vice president, Joseph Pitre, assistant vice president, Geraldine Kreutzer, secretary.

W. R. Zanes & Co., W. R. Zanes & Co. of Louisiana, Inc., 223 Tchoupitoulas Street, New Orleans, La. 70130; License No. 752; Warren Townsend, treasurer, Joseph Acosta, vice president, R. D. Hancock, Jr., vice president, H. T. Bowyer, director.

Enterprising Shipping Corp., 58 Sutter Street, San Francisco, Calif. 94104; License No. 1104; G. G. Gregory, president, V. M. Gregory, vice president, E. Perenchio, secretary and treasurer.

The Cottman Co., Canton House, Baltimore, Md. 21203; License No. 406; John Swinehart, treasurer, Oliver Reeder, director.

Unsworth & Co., Inc., 26 Broadway, New York, N.Y. 10004; License No. 541; Lawrence P. McGauley, secretary.

CHANGE OF NAME

D. C. Andrews & Co., Inc., to D. C. Andrews International, Inc., 327 South La Salle Street, Chicago, Ill. 60604; License No. 666.

Alba Forwarding Co., Inc. (Illinois Corp.), to Alba Chicago, Inc. (Illinois Corp.), 327 South La Salle Street, Chicago, Ill. 60604; License No. 267.

NEW APPLICANTS LICENSED

October 1966

Reginald William Winter, 426 South Spring Street, Los Angeles, Calif. 90013; License No. 1131, Issued October 10, 1966.

Mario J. Macchione, 156 State Street, Boston, Mass. 02109; License No. 1132, Issued October 20, 1966.

Federal Warehouse Co., 800 Southwest Adams Street, Peoria, Ill. 61602; License No. 1133, Issued October 26, 1966.

GRANDFATHER LICENSED

Bernadine Shipping Co., Inc., 44 Whitehall Street, New York, N.Y.; License No. 844, Issued October 26, 1966.

Dated: November 10, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12470; Filed, Nov. 16, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 990]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 10, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended) published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 217 (Sub-No. 10) (Amendment), filed September 16, 1966, published in the FEDERAL REGISTER issue of September 29, 1966, amended November 1, 1966, and republished as amended, this issue. Applicant: POINT TRANSFER, INC., 174 Sandy Creek Road, Verona, Pa. 15147. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that he intends to tack at authorized service points in Ohio to enable service to and from authorized West Virginia points. The purpose of this republication is to add Colorado and Wyoming as destination States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 504 (Sub-No. 90), filed October 28, 1966. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, Suite 673, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juices, beverages, or drinks* (other than citrus), not requiring refrigeration, and not moving in bulk, from points in Florida, to points in Michigan, Indiana (except Indianapolis), Illinois (except Chicago), Ohio (except Cincinnati), and points in that part of Wisconsin on and south of U.S. Highway 18, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Tampa or Jacksonville, Fla.

No. MC 2202 (Sub-No. 298), filed October 28, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) from Albany over U.S. Highway 82 to junction Georgia Highway 55, thence over Georgia Highway 55 to junction U.S. Highway 280, thence over U.S. Highway 280 to Columbus, Ga., and return over the same route, as an alternate route for operating convenience only, and (2) from Albany, Ga., over U.S. Highway 82 to junction Georgia Highway 257, thence over Georgia Highway 257 to junction U.S. Highway 41, thence over U.S. Highway 41 to Macon, Ga., and return over the same route, as an alternate route for operating convenience only. NOTE: Applicant is presently authorized to traverse the routes for which this instant application is made. The authority over these routes, however, is restricted to traffic moving from, to, and through Atlanta, Ga. The purpose of this application is to remove the restriction and to allow its traffic to move directly north from Albany, Ga., through Columbus and Macon, Ga., and thus bypass the city of Atlanta. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2202 (Sub-No. 299), filed October 28, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction of Pennsylvania Highways 61 and 895 at Molino, Pa., and junction of Pennsylvania Highway 443 and U.S. Highway 309 near south Tamaqua, Pa., over junction of Pennsylvania Highway 61 and Pennsylvania Highway 895, over Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence over Pennsylvania Highway 443 to junction U.S. Highway 309 and return over the same route as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8948 (Sub-No. 74), filed October 31, 1966. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in specially designed tank trailers, from Baton Rouge, Lake Charles, and New Orleans, La., to Patrick Air Force Base and Cape Kennedy, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 19311 (Sub-No. 10), filed October 26, 1966. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich. 48212. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Saginaw, Mich., and Meredith, Mich., from Saginaw over Interstate Highway 75 to junction Michigan Highway 18, thence over Michigan Highway 18 to Meredith, and return over the same route, serving all intermediate points and the off-route points of Edenville, Hope, and Hocady. NOTE: Applicant states it proposes to tack the requested authority to its existing operating authority in MC 19311 and related subs, so as to provide a through service to and from the points that it is presently authorized to serve, all of which are located in Michigan. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 21170 (Sub-No. 246), filed November 2, 1966. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Illinois, Indiana, Kentucky, and Ohio. NOTE: Applicant states it would tack the proposed authority with its present authority from points in Illinois to points in Minnesota, Iowa, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 30844 (Sub-No. 226), filed October 31, 1966. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by the Kitchens of Sara Lee located at Chicago and Deerfield, Ill., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 32562 (Sub-No. 25), filed October 21, 1966. Applicant: POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va. 25312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, fiberboard boxes, wooden and plastic bottle carriers, shipping devices, and accessories*, therefore, and *closures* for glass containers, from Huntington, W. Va., to Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 36832 (Sub-No. 22), filed October 28, 1966. Applicant: AMERICAN TRANSIT LINES, INC., 221 North La Salle Street, Chicago, Ill. 60601. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen foods*, between the plantsite of Kitchens of Sara Lee, Inc., Deerfield, Ill., on the one hand, and, on the other, points in Indiana, the Lower Peninsula of Michigan, Ohio, those in New York on and west of U.S. Highway 11, Louisville, Ky., Erie, and Pittsburgh, Pa., restricted to traffic originating at or destined to the plantsite of Kitchens of Sara Lee, Deerfield, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 370), filed October 31, 1966. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, from Clermont, Ind., to points in Ohio and Michigan. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52926 (Sub-No. 6), filed October 31, 1966. Applicant: GREEN TRANSFER & STORAGE CO., a corporation, 2425 Northwest 23d Place, Portland, Oreg. 97210. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Skamania, Clark, and Cowlitz Counties, Wash., and points in Clackamas, Multnomah, Washington, Columbia, Yamhill, Polk, Marion, Linn, Benton, and Lane Counties, Oreg., to Portland, Oreg., and Vancouver and Longview, Wash. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 60879 (Sub-No. 4), filed October 31, 1966. Applicant: F. T. TRUCKING CO., INC., Post Office Box 33, Bremen Station, St. Louis, Mo. 63160. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* and *equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Rock Falls and Sterling, Ill., on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Kansas, Oklahoma, Iowa, Wisconsin, and Michigan. NOTE: Applicant has pending in MC 128281 an application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield or Chicago, Ill.

No. MC 61592 (Sub-No. 74) (Amendment), filed May 18, 1966, published in the FEDERAL REGISTER issue of June 23, 1966, amended November 4, 1966, and republished as amended this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), (1) from Cleveland, Ohio, Philadelphia, Pa., Baltimore, Md., and ports of entry on the international boundary line between the United States and Canada, located in Maine, to points in Pennsylvania, New York, West Virginia, Maryland, Ohio, Delaware, and New Jersey, and the District of Columbia; and (2) from Glenfield and Chester, Pa., to the States named as destination States in (1) above. NOTE: The purpose of this republication is to broaden the authority sought by adding (2) above, for the sole purpose of affording the shipper a storage in transit privilege. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 61592 (Sub-No. 81), filed October 31, 1966. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis, tractors, bodies, containers, materials, supplies, and parts thereof*, from points in Lee County, Iowa, and points in Dauphin County, Pa., to points in the United States (except Hawaii) and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 68539 (Sub-No. 23), filed October 31, 1966. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* from Cozad, Nebr., to points in Kansas, Colorado, Utah, Wyoming, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 69833 (Sub-No. 87), filed November 4, 1966. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture, uncrated office and store*

fixtures, uncrated household appliances, and uncrated pianos, between points in Ohio, Indiana, Michigan, points in Cook, Lake, and Du Page Counties, Ill., and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 72243 (Sub-No. 20) (Amendment), filed September 13, 1966, published in FEDERAL REGISTER issue of September 29, 1966, amended November 3, 1966, and republished as amended this issue. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representatives: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies used in the manufacture of processing of iron and steel and iron and steel articles,* between Chicago Heights, Joliet, Waukegan, and Chicago, Ill. (including points in the Chicago, Ill., commercial zone), and Portage and Burns Harbor, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it would tack the proposed authority with its present authority in Ohio to points in New York and West Virginia. The purpose of this republication is to add Burns Harbor, Ind., as a point in the base territory, and to change the commodity description, and to eliminate certain States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 227), filed October 31, 1966. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35207. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cotton gin machinery, parts and accessories* for cotton gin machinery, *equipment, materials, and supplies* used in the construction, operation, and maintenance of cotton gin plants, from Columbus, Ga., and Prattville, Ala., to points in Arizona, California, New Mexico, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 77424 (Sub-No. 24) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issues of June 30, 1966, August 11, 1966, and September 29, 1966, amended November 3, 1966, and republished as amended, this issue. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, Chicago Heights, Joliet, Waukegan, Ill., Burns Harbor and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add the State of Wyoming as a point in the radial area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 200), filed October 31, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require use of special equipment, and except pipe and pipe fittings such as are described in the first findings of the Commission in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities,* 74 M.C.C. 459 and 543), from Tyler, Tex., to points in Idaho, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Birmingham, Ala., or Washington, D.C.

No. MC 102567 (Sub-No. 115) filed October 30, 1966. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, Pa. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from Helena, Ark., to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or New Orleans, La.

No. MC 106603 (Sub-No. 90) (Amendment), filed September 23, 1966, published in FEDERAL REGISTER issue of October 13, 1966, amended October 25, 1966, and republished as amended this issue. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street Southwest, Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies used in the manufacture or processing of iron and steel articles,* (1) between points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, and (2) between the plantsite of Bethlehem Steel Corp., Burns Harbor Plant, located in Porter County, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 46240 and Subs 12 and 13, therefore dual operations may be involved. The purpose of this republication is to add (2) above as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107107 (Sub-No. 379), filed November 2, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Alabama, Florida, and Georgia. NOTE: Applicant states that the above proposed operation is restricted to traffic originating at the plantsite of Oscar Mayer & Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 509), filed October 27, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silica gel catalyst and processed clay,* in bulk, in tank or hopper-type vehicles, from Chicago, Ill., to El Dorado, Ark.; Indianapolis, East Chicago, and Mount Vernon, Ind.; McPherson, El Dorado, Arkansas City, Coffeyville, and Phillipsburg, Kans.; Louisville and Catlettsburg, Ky.; Norco, Meraux, and Baton Rouge, La.; Muskegon, Detroit, and Alma, Mich.; St. Paul Park and Pine Bend, Minn.; Pascagoula, Miss.; Sugar Creek, Mo.; Buffalo and North Tonawanda, N.Y.; and Canton, Toledo, and Lima, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107757 (Sub-No. 28), filed October 31, 1966. Applicant: M. C. SLATER, INC., 2200 West Chain of Rocks

Road, Granite City, Ill. 62041. Applicant's representative: B. W. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and articles of unusual value), serving the plantsite of Hussman Refrigerator Co. located at St. Charles Rock Road and Taussig Road, Bridgeton (St. Louis County), Mo., as an off-route point in connection with applicant's presently authorized regular route authority. NOTE: Hussman Refrigerator Co. is in the process of relocating its plant and facilities from within the city of St. Louis, Mo., to the above plantsite, and has requested carriers presently serving it in St. Louis, Mo., to request authority as above so as to be able to continue service at its new facility. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109637 (Sub-No. 312), filed October 31, 1966. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from rail-motor interchange points served by the Louisville & Nashville Railroad Co. in Jefferson County, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia, restricted to shipments having a prior movement by rail. NOTE: Common control may be involved. The applicant states that the authority sought could and might sometimes be tacked on to authorities presently held by applicant in MC 109637 (Sub-No. 165). If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 109637 (Sub-No. 313), filed October 31, 1966. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 110420 (Sub-No. 536), filed October 31, 1966. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 111231 (Sub-No. 149) (Amendment), filed May 12, 1966, published in the FEDERAL REGISTER issue of June 9, 1966, amended November 4, 1966, and republished as amended, this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber, finished lumber, finished mill work, staves, treated and untreated posts and poles, pallets and pallet materials, blocking lumber, crating lumber, dimension lumber, wooden flooring, ties, wooden fencing materials, wooden boxes, wooden crates, wooden shapes, wooden windows, and wooden doors*, from points in Missouri, located on, west, and north of a line commencing at the Mississippi River at St. Louis, Mo., thence along U.S. Highway 50 to Jefferson City, Mo., thence along U.S. Highway 54 to Missouri-Kansas State line, to points in Illinois, Indiana, Arkansas, Kansas, Kentucky, Nebraska, Minnesota, Tennessee, Iowa, and Wisconsin. NOTE: The purpose of this republication is to add tacking information and to include Nebraska, Kansas, Wisconsin, and Minnesota, as destination points. Applicant states that it proposes to tack with its present authority in MC 111231 and Subs thereunder, wherein it is authorized to operate in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Kansas, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, Texas, and Washington. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111485 (Sub-No. 10), filed October 31, 1966. Applicant: PASCHALL TRUCK LINES, INC., Murray, Ky. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louisville, Ky., and Calvert City, Ky., from Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., thence over U.S. Highway 68 to junction Kentucky Highway 95 at or near Palma, Ky., and thence over Kentucky Highway 95 to Calvert City, and return over the same route, serving points within 5 miles of Calvert City as intermediate and off-route points; and serving the intermediate point of Draffinville, Ky., for purposes of joinder only; (b) between Louisville, Ky., and Fulton, Ky., from Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., thence over U.S. Highway 68 to Aurora, Ky., thence over Kentucky Highway 80 to Mayfield, Ky., and thence over U.S. Highway 45 to Fulton, and return over the same route, serving the intermediate point of Mayfield, Ky., and those within 5 miles of both Mayfield and Fulton as intermediate and off-route points, and serving the intermediate point of Hardin, Ky., for purposes of joinder only.

(c) between Nashville, Tenn., and Calvert City, Ky., from Nashville over Alternate U.S. Highway 41 to Clarksville, Tenn., thence over U.S. Highway 79 to Paris, Tenn., thence over U.S. Highway 641 to junction Kentucky Highway 95, and thence over Kentucky Highway 95 to Calvert City, and return over the same route, serving the intermediate points of Hazelton, Murray, and Benton, Ky., and points within 5 miles of each as intermediate and off-route points, and serving the intermediate point of Hardin, Ky., for purposes of joinder only; and (2) (a) between Aurora, Ky., and Murray, Ky., over Kentucky Highway 94; (b) between Murray, Ky., and Mayfield, Ky., over Kentucky Highway 121; (c) between Murray, Ky., and Fulton, Ky., from Murray over Kentucky Highway 94 to junction Kentucky Highway 129, thence over Kentucky Highway 129 to Fulton, and return over the same route; (d) between Murray, Ky., and junction Tennessee Highway 119 and U.S. Highway 79, from Murray over Kentucky Highway 121 to the Kentucky-Tennessee State line, thence over Tennessee Highway 119 to junction U.S. Highway 79, and return over the same route; (e) between Hopkinsville, Ky., and junction Alternate U.S. Highway 41 and U.S. Highway 79, over U.S. Highway 41; as alternate routes for operating convenience only in (2) (a), (b), (c), (d), and (e) above, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 111545 (Sub-No. 93), filed October 31, 1966. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers for air, gas, or liquids;* (2) *machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids;* and, (3) *parts, attachments, and accessories for use in the installation and operation of (1) and (2) above*, from the plant and warehouse facilities of The Trane Co. in Montgomery County, Tenn., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri, Oklahoma, Texas, and points in Bibb, Blount, Cullman, Jefferson, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112148 (Sub-No. 43), filed October 31, 1966. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa 50162. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., located in Pottawattamie County, Iowa, to points in Michigan and Wisconsin, restricted to traffic originating at such plantsites and/or storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 114334 (Sub-No. 7), November 3, 1966. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3263 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal pipe,* from Memphis, Tenn., to points in Illinois, Indiana, and Louisiana. NOTE: It a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115311 (Sub-No. 62), filed October 31, 1966. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Clay products and accessories used in the installation of clay products,* between points in Richland County, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Maryland, North Carolina, Tennessee, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify any certain location.

No. MC 119422 (Sub-No. 43), filed October 31, 1966. Applicant: EE–JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid asphalt and road oil,* in bulk, in tank vehicles, from points in Madison County, Ill., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119767 (Sub-No. 187), filed October 31, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper, in cartons or boxes, when in combined shipments with canned foodstuffs,* from Chicago and Northlake, Ill., to points in Wisconsin and Minnesota, restricted to shipments originating at the plantsites and storage facilities utilized by Hunt Food Industries, Inc., located at Chicago and Northlake, Ill. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120981 (Sub-No. 5), filed October 31, 1966. Applicant: NORTH TENNESSEE FREIGHT LINE, INC., 606 Fifth Avenue South, Nashville, Tenn. 37203. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bardstown, Ky., and Lexington, Ky., from Bardstown over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to Lexington, and return over the same route, serving all intermediate points except Bloomfield, Ky., and Lawrenceburg, Ky., and their commercial zones, as defined by the Commission, but serving Lawrenceburg, Ky., for purposes of joinder only; (2) between Bardstown, Ky., and Danville, Ky., over U.S. Highway 150, serving all intermediate points; (3) between Lebanon, Ky., and Danville, Ky., over U.S. Highway 68, serving all intermediate points; (4) between Lebanon, Ky., and Springfield, Ky., over Kentucky Highway 55, serving all intermediate points; (5) between Perryville, Ky., and Harrodsburg, Ky., over U.S. Highway 68 serving all intermediate points; (6) between Danville, Ky., and Lawrenceburg, Ky., over U.S. Highway 127 serving all intermediate points, except Lawrenceburg, Ky., and its commercial zone, as defined by the Commission, but serving Lawrenceburg, Ky., for purposes of joinder only.

Restriction: The authority sought in routes (1) through (6) inclusive next above restricted against the handling of traffic originating at, destined to or interchanged at Louisville, Ky., and its commercial zone, as defined by the Commission. NOTE: Applicant states it holds authority under certificate No. MC 120981, Sub-No. 2, to operate over the routes, and between the points, for which authority is sought through this application. However, the applicant's present authority is restricted against service between points in Kentucky, except Elizabethtown, Ky., and Lexington, Ky. Further, the applicant's existing authority is restricted on service at Lexington, Ky., against handling of traffic originating at, or destined to points in North Carolina, South Carolina, that part of Tennessee on and east of U.S. Highway 127, and that part of Georgia on and north of Interstate Highway 20. Through this application, authority is sought to render service between points in Kentucky to the extent of the application, and further, to obtain authority to render service between Lexington, Ky., and those points set forth in the application on traffic originating at, or destined to points in North Carolina, South Carolina, that part of Tennessee on and east of U.S. Highway 127, and that part of Georgia on and north of Interstate Highway 20. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 121060 (Sub-No. 3), filed October 20, 1966. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, Chicago Heights, Joliet, and Waukegan, Ill., and Portage, Ind., on the one hand, and, on the other, points in Alabama, Georgia, Florida, Mississippi, Louisiana, and Tennessee, and (2) *road building and excavating equipment, building and construction material, and supplies,* such as limestone, cement, lime, slag, sand, brick, construction steel, rock, tile, contractor's forms, tool houses, tool boxes, culverts, iron and steel construction articles, contractor's machinery, including boilers, plant machinery, railroad steel rails, and track materials and storage tanks, between Birmingham, Ala., on the one hand, and, on the other, points in Alabama on and north of Alabama Highway 12 from the Mississippi State line in an easterly direction to Grove Hill, thence in an easterly direction over U.S. Highway 84 to Enterprise, Ala., thence in a northeasterly direction over Alabama Highway 27 to Abbeville, thence in an easterly direction over Alabama Highway 10 to the Georgia State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124411 (Sub-No. 6), filed October 31, 1966. Applicant: SULLY TRANSPORT, INC., Sully, Iowa 50251. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials,* in bulk, in tank vehicles, from the plantsite and storage facilities of Southern Nitrogen Co., at or near Cordova, Ill., to points in Iowa, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124534 (Sub-No. 2), filed October 31, 1966. Applicant: LLOYD R. CULLENY, doing business as DYOLL DELIVERY SERVICE, Post Office Box 391, Rockaway, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Electronic instruments and parts,* uncrated, between Rockaway, N.J., on the one hand, and, on the other, West Conshohocken and

Avondale, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 124692 (Sub-No. 25), filed October 28, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 279, from points in Utah to points in Idaho, Montana, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Seattle, or Spokane, Wash., or Portland, Oreg.

No. MC 125521 (Sub-No. 7), filed October 31, 1966. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to Fostoria, Ohio, and on return trips *empty containers and other such incidental facilities* used in transporting such commodities, under contract with Cross Distributing Inc., and Hanson Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit and Lansing, Mich., or Columbus, Ohio.

No. MC 125708 (Sub-No. 63) (Amendment), filed September 29, 1966, published in the FEDERAL REGISTER issue of October 20, 1966, amended October 31, 1966, and republished as amended, this issue. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Portage, Ind., and Chicago, Joliet, Waukegan, and Chicago Heights, Ill., and points within their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the authority sought by adding Portage, Ind., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126307 (Sub-No. 1), filed October 31, 1966. Applicant: LEE C. COOK, doing business as LEE C. COOK, 347 East Fifth Street, Emporium, Pa. 15834. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wooden lumber mill byproducts*, from Emporium, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, and the District of Columbia under contract with Robert Mallery Lumber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127890 (Sub-No. 4), filed October 31, 1966. Applicant: GOVER BROS. CONSTRUCTION CO., INC., 261 Millbury Avenue, Millbury, Mass. 01527. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride* (rock salt), between points in Massachusetts. NOTE: Applicant states that rock salt originates at Retsof, N.Y., moves via rail to various localities in Massachusetts where applicant proceeds to unload the cars and transports the product to ordered destinations within Massachusetts. If a hearing is deemed necessary, applicant requests it be held at Boston, or Worcester, Mass.

No. MC 128673 (Sub-No. 1), filed October 31, 1966. Applicant: CRAIGSVILLE DISTRIBUTING CO., INC., Post Office Box 567, Chelyan, W. Va. Applicant's representative: Homer W. Hanna, Jr., 1201 Kanawha Valley Building, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof bolts and accessories*, (1) from Lebanon and Ambridge, Pa., and Marietta and Mingo Junction, Ohio, to Richwood, Henry, Bayard, Kingwood, Tioga, and Worth, W. Va., and (2) from Marietta and Mingo Junction, Ohio, and Huntington, W. Va., to Tire Hill, Pa., under contract with Maust Coal Co., Cherry River Coal & Coke Co., Summersville Coal Co., Birch Coal Co., North Branch Coal Co., Gauley Coal & Coke Co., Chapel Coal Co., and Bird Coal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 19553 (Sub-No. 29), filed November 1, 1966. Applicant: KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. 61105. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, and except livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), serving Havana, Ill., as an off-route point in conjunction with its regular routes.

No. MC 55236 (Sub-No. 133) (Amendment correction), filed May 13, 1966, published in FEDERAL REGISTER issue of June 9, 1966, amended July 13, 1966, and republished as amended on October 20, 1966, corrected and again republished this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, (1) from Eaton and Thorntown, Ind., to points in Ohio; and (2) from Warsaw, Ind., to points in Illinois and Ohio. NOTE: The purpose of this republication is to correctly set forth the amended application.

No. MC 128672, filed October 27, 1966. Applicant: TIMBER TRUCKING CO., INC., Post Office Box 8188, Nitro, W. Va. 25143. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, timber, and wood products*, both treated and untreated, between the wood treatment plants of Burke-Parsons-Bowlby Corp. located in Roane County, W. Va., and Rockbridge County, Va., and points in West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Indiana, Michigan, Ohio, Pennslyvania, New York, New Jersey, Delaware, and Maryland, under contract with Burke-Parsons-Bowlby Corp.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-12409; Filed, Nov. 16, 1966; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 7, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40780—*Cement and related articles from North Little Rock, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8911), for interested rail carriers. Rates on cement and related articles, in carloads, from North Little Rock, Ark., to points in southern territory, also Mississippi and Ohio River crossings.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff ICC 4701.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-12514; Filed, Nov. 16, 1966; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

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